

1911

Common Carriers. Railroads and Other Transportation.

Follow this and additional works at: http://repository.uchastings.edu/ca_ballot_props

Recommended Citation

Common Carriers. Railroads and Other Transportation. California Proposition 23 (1911).
http://repository.uchastings.edu/ca_ballot_props/23

This Proposition is brought to you for free and open access by the California Ballot Propositions and Ballot Initiatives at UC Hastings Scholarship Repository. It has been accepted for inclusion in Propositions by an authorized administrator of UC Hastings Scholarship Repository. For more information, please contact emickt@uchastings.edu.

Proposed Amendments to the Constitution of the State of California, with Legislative

TO BE VOTED UPON AT A SPECIAL ELECTION TO BE HELD ON TUESDAY, THE TENTH DAY OF OCTOBER

AS CERTIFIED TO THE COUNTY CLERKS OF THE SEVERAL COUNTIES OF THE STATE OF CALIFORNIA, AND TO THE REGISTRAR OF VOTERS OF THE CITY AND COUNTY OF SAN FRANCISCO

STATE OF CALIFORNIA,
Department of State, SACRAMENTO, CALIFORNIA, September 1, 1911.

To the Qualified Electors of the State of California:
WHEREAS, The Legislature of the State of California, at its thirty-ninth session, beginning on the 2d day of January, A. D. 1911, and ending on the 27th day of March, A. D. 1911, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, proposed the following several amendments to the Constitution of the State of California, prepared and distinguished by numbers, to wit: Senate Constitutional Amendment No. 2; Committee Substitute for Senate Constitutional Amendment No. 5; Senate Constitutional Amendment No. 6; Senate Constitutional Amendment No. 8; Senate Constitutional Amendment No. 17; Senate Constitutional Amendment No. 20; Senate Constitutional Amendment No. 22; Senate Constitutional Amendment No. 23; Senate Constitutional Amendment No. 26; Senate Constitutional Amendment No. 32; Senate Constitutional Amendment No. 45; Senate Constitutional Amendment No. 47; Senate Constitutional Amendment No. 48; Senate Constitutional Amendment No. 49; Assembly Constitutional Amendment No. 2; Assembly Constitutional Amendment No. 6; Assembly Constitutional Amendment No. 25; Assembly Constitutional Amendment No. 26; Assembly Constitutional Amendment No. 28; Assembly Constitutional Amendment No. 33; Assembly Constitutional Amendment No. 46; Assembly Constitutional Amendment No. 48; Assembly Constitutional Amendment No. 50—all of which said constitutional amendments were duly passed by the Senate and Assembly of the State of California, in the manner required by section one of article eighteen of the Constitution of the State of California.

NOW, THEREFORE, pursuant to the provisions of an act of the Legislature of the State of California, entitled "An act providing for the calling of a special election to be held on Tuesday, October 10, 1911, and for the submission thereof to the qualified electors of the State all amendments to the Constitution of the State of California, proposed by the Legislature at its thirty-ninth session, commencing on the second day of January, 1911, prescribing and providing for the publication of said proposed amendments, and providing for the manner of holding and conducting such election, and for the canvassing and return of the votes cast thereat," approved March 28, 1911, I have caused to be printed and transmitted, in the manner provided by said act, to each of the County Clerks in this State, and to the Registrar of voters of the City and County of San Francisco, for distribution to said qualified electors, copies of the said proposed amendments to the Constitution of the State of California (and accompanying statements), to be voted upon at the special election to be held on Tuesday, the 10th day of October, A. D. 1911.

Respectfully submitted,



Frank B. Jordan
Secretary of State.

NOTICE TO VOTERS.

In the matter following, the provisions of the constitution as they now exist are printed in the ordinary faced type; the proposed changes in the constitution and new provisions thereof are shown in black-faced type. The reasons given by the legislature for the adoption or rejection of such proposed constitutional amendments are shown enclosed in border.

FRANK C. JORDAN, Secretary of State.

1. SENATE CONSTITUTIONAL AMENDMENT NO. 2.

CHAPTER 37.—Senate Constitutional Amendment No. 2, a resolution proposing to the people of the State of California an amendment to section 14 article XI of the constitution of the State of California.

The legislature of the State of California at its regular session, commencing on the second day of January, in the year nineteen hundred and eleven, two thirds of the members elected to the senate and assembly voting therefor, hereby proposes to the people of the State of California that section fourteen (14) of article eleven (XI) of the constitution of the State of California, be amended to read as follows:

Section 14. The legislature may by general and uniform laws provide for the inspection, measurement and graduation of merchandise, manufactured articles and commodities, and may provide for the appointment of such officers as may be necessary for such inspection, measurement and graduation.

Section 14 of article XI, proposed to be amended as above, now reads as follows:

Sec. 14. No state office shall be continued or created in any county, city, town, or other municipality, for the inspection, measurement, or graduation of any merchandise, manufacture, or commodity; but such county, city, town, or municipality may, when authorized by general law, appoint such officers.

REASONS WHY SENATE CONSTITUTIONAL AMENDMENT NO. 2 SHOULD BE ADOPTED.

I. The purpose of this amendment is to give the legislature power to provide general and uniform laws for the matters set forth in the amendment, and for the appointment of necessary officers thereunder. Such officers may be state officers and probably will be appointed by the governor, to have jurisdiction throughout the state.

II. The present section of the constitution now prohibits the legislature from creating or continuing a state office for such purposes, but permits the legislature to pass general laws authorizing the appointment of such officers by a county, city, town, or municipality. The design of the constitution, as it now stands without said amendment, is to have matters of local interest regulated and controlled by officers selected by the people of the particular locality, rather than by state at large.

III. The reasons advanced by the majority for the adoption of this amendment are: 1. That the state at large is interested in such inspection, measurement and graduation, and that therefore, officers representing the people of the whole state should have control of same.

2. That a system under direct state supervision would be more effective.

EL. O. LARKINS, Senator, 32d District.

STATEMENT OF AUTHOR OF SENATE CONSTITUTIONAL AMENDMENT NO. 2.

board to submit the question of the surrender and annulment of such charter to the qualified electors of such county, and, in the event of the surrender and annulment of any such charter, such county shall thereafter be governed under general laws in force for the government of counties. The provisions of this section shall not be applicable to any county that is consolidated with any city.

REASONS IN FAVOR OF COMMITTEE SUBSTITUTE FOR SENATE CONSTITUTIONAL AMENDMENT NO. 5.

This proposal to amend the organic law occupying the second place on the official ballot for the special election on constitutional amendments, known as the "County Home Rule Amendment," is a logical growth from the successful administration of "charter cities" formed under the "home rule" provisions of our constitution relating to municipalities.

When the constitution of 1879 was framed it was with the knowledge that the one adopted in 1849 permitted special legislation for county and local governments and for many other purposes. This privilege had been abused to such an extent as to create a widespread demand for uniformity in county government as well as for the regulation of many other matters of state concern. As a result the uniform system of county and township government, since in force, was inserted therein. It was supposed to be impregnable to the assault of those demanding special laws, as to county and township officers, their salaries, and the number and compensation of deputies when such are allowed; but a way was devised, by classifying counties so as to put each county in a class by itself, to obtain on these subjects in the guise of uniformity what formerly was openly secured under special legislation. Thus the old system is still in control and is generally supreme.

Under the constitution of 1849, the officers of a county and of townships in connection with legislative representatives therefrom, practically determined the character and scope of local laws and fixed salaries. While by that system, as under the present, the legislature was and is now, supposed to pass on county government laws, in more than three fourths of them where they relate to salaries and the creation of sinecures, it was still a fiction to say that it did, or does, so on their merits. Each county delegation has always been allowed to shoulder the responsibility for two reasons: first, because the measures involved purely local questions; and, secondly, for the reason that every delegation has "an axe" of the same kind "to grind" and thus aids the others in turning the legislative "grindstone."

If the people had a voice in their county government; if they could by vote select freeholders to frame a charter subject to their approval at the polls and also subject to amendment by direct action of the people when it proved insufficient to meet their wants, these special favors and "political plums"—and such they are in most cases, as changes in salaries seldom follow any other than the "rising scale"—would not be parceled out in salaries seldom follow any other than the "rising scale" and the benefit of the public as is now done. The test would then be, does necessity and the benefit of the public service require either new ordinances, more help or more pay? Over half a century of experience has not succeeded in remedying under present methods what would under people's management be accomplished with rapidity.

A county should be governed by the same rule that a discreet business man conducts his affairs. The present county system does not work on such a plan. Home rule in a county, township and road government will approximately, if not wholly, secure such a condition. It will have the merit of being a people's government, with the immediate power of correcting abuses in the possession of the electorate, through amendments, initiative, referendum and recall—all powers that the people can and will reserve for themselves in the preparation of county charters under this amendment to the constitution. Under such auspices, public opinion can be readily harnessed for action when wrongs exist and has proved efficacious, not only as a corrective, but also as a deterrent influence, in holding in check evil practices in local government.

What is true of county and township officers and their regulation and compensation, is also true of county and township officers and their regulation and compensation. Justly, or unjustly, there have been many complaints from this source. All road laws affecting counties and districts are the result of compromises in endeavors to make a general law meet the requirements of communities, wealthy and populous, and of those having little property and a less number of people. Experience indicates that the road question, as this amendment aims to do, as far as counties and districts are concerned, should be placed under the care and direction of the people, and let them as taxpayers and the parties immediately affected, determine in their charters what they want in relation to roads, how they want them constructed, or repaired, by what plan and by whom. It will be entirely in their power to select the county or district plan, in whole or in part; to permit the supervisors to have complete, or limited authority over the same; to reserve to themselves authority concerning the action of supervisors thereon, and to wholly manage district roads in any manner that they may provide in the charter. It will be noted that these subjects, viz:

(a) All matters of a local nature, affecting county administration and county and township officers and deputies, their employment, method of selection, amount of compensation, etc.; and

(b) Road administration, including construction, repair and maintenance of all except state highways, are the two with which it will be competent under this proposed amendment, for the people of a county to deal. These subjects generally require in the detail of their administration more of the people's taxes than all the balance of the business affairs of the county; hence it is considered proper that they should form the nucleus for the proposed charter county governments.

It was deemed advisable by those who gave this question a great deal of attention during the last session of the legislature, to begin "County Home Rule" on the same lines that "City Home Rule" was initiated in California, trusting to results sure of attainment to broaden the scheme. Under county charters, as was experienced under city charters, there will be evolved a system that for its simplicity, efficiency, adaptability to local necessities and celerity with which the will of the people can be put into execution—protecting them against evils and safeguarding their rights—will not be excelled by any other so far devised.

This amendment was carefully drawn following, as far as applicable, the safe and tried path pursued in the "City Home Rule" movement in reaching its present advantageous position. All the people of the county are to secure and exercise the initiative, referendum and recall. On the subjects committed to their care, are conserved, notwithstanding the contrary statement made in opposition to this amendment. City charters reserve these rights to the people in municipalities, and with these powers conferred in the same terms by this amendment to the people of a county, how can it reasonably be said that they can not be exercised under charter county government?

The further objections urged that the number of supervisors is not fixed and that the supervisors and persons allied with them, might combine to secure control of the county government, dictate a charter and monopolize appointments of all officers, presuppose that the people will be idle and will vote to chain themselves to the yoke thus prepared. This can not be assumed in the face of the increasing interest taken by citizens in public matters whenever the people's rule is established. Besides it must be borne in mind that under identical authority, city charters have avoided these pitfalls, because the people nominate and elect their freeholders and officers under primary election laws and vote on the charters and amendments thereto. The day has passed in California when "ring county governments" can outwit the people if armed as proposed with the ballot and with the powers of the initiative, referendum and recall.

in the second session and on final adjournment, when usually over five hundred are submitted. Particularly beneficial would it be, for a new governor, who is inaugurated at the beginning of a session, without that intimate knowledge of the state's business so necessary to the proper discharge of his duties. As it is impossible for him to secure this information in a continuous session, and as any material change in the administrative conditions must be with the approval of the legislature, two years of his term pass by before he can really get into full action. This is an unnecessary loss to the state.

Those who have followed in detail the proceedings of a legislature, must confess that, even when members are actuated by the purest of motives, the congestion of business in committees as well as in the two houses caused by debates and adjournments, is such as to make it impossible, at all times, to deliberate and treat the important questions presented according to their merits and for the best interests of the commonwealth. About one sixth, some times more, of the session is lost by adjournments from Friday until Monday following, during which committees seldom meet, as their quorums are broken by absentees who have wandered to San Francisco and other points. When it is considered that during the last session approximately three thousand bills and resolutions were filed—the average for years being over two thousand—it can be realized why comparatively a small number of them, receive adequate attention. The "hit or miss" game settles the fate of most of the bills, accordingly as the author is powerful or weak. For the reasons cited, legislative hearings and investigations have become in a measure really jokes. Of course there are exceptions when good results have been achieved. Hearings and investigations are a necessity. No great business enterprise could get along without them, and the state is as great as any from a business standpoint, and far greater in value in a political sense. A divided session would "noble" hearings and investigations, when necessary, to take place during recess, when they can be as complete as the subjects involved require, and the benefits flowing therefrom could be quickly secured for the state during the second session.

An instance, for illustration, will suffice to prove that this is another advantage of the divided session over the continuous. During the session of 1909, a general demand arose for the investigation of the ten per cent raise in certain transcontinental freight rates that, it was alleged, approximately taxed California producers and shippers ten millions of dollars annually. Resolutions setting forth the complaints in relation thereto, and also to the outrageous express rates of the time, were introduced in the senate. Their adoption followed, and the investigation ordered thereby commenced before a committee of that body ending as many others have in a continuous session in delay and disappointment.

In a divided session a full investigation would have been forced during recess, even by a minority of the members, and the second session could have granted relief. It will not do to say we now have a reform legislature, and that such things will not happen again. It is to be wished that such legislatures will hereafter be the rule, but lest "history repeat itself" let us be on guard.

We can not do without a law-making body, but we can, and ought to provide one that will in fact deliberate or be forced to do so through the power of public opinion, for without deliberation there can not be wholesome legislation. We should not for many reasons, following in the light of experience, extend the continuous session, nor limit the same more than we have. A path is marked out, however, one that has been used by congress as the only method enabling it to meet its great responsibilities ever since its establishment, and upon which the republic has been led to a marvelous growth and prosperity. This way was found by the use of adjourned sessions and recesses. Outside of bills, local in their nature and effect, and matters of minor interest, all congressional legislation of importance is the result of vacation, or recess, activity by committees. The important committees are in sessions at fixed dates, some almost continuously, investigating, mapping out their labors, receiving the reports of subcommittees appointed to act during the recess of general committees, and hearing the appeals and requests of individuals, of organizations, and of states that present and ever urge action on many questions of national concern.

Thus tried, it appears a solution on safe and sound support of powerful agencies in struggles for right and justice to all. A constant sentinel will be publicity, proving harmful only to the unworthy cause, a victory-bearer to the just.

The potent power of the press—without which there could be no effective publicity—would attend in season and out of season and during the sessions, especially in the recess thereof, aiding materially in the labor involved in the examination and discussion of measures pending in the legislature and in the dissemination throughout the state of comments thereon growing out of individual or organized effort. The people would have no better equipped and no abler corps of men in its service than will be found in the ranks of the experienced editors and correspondents who have made a study of statesmanship, and a specialty of reviewing legislative proceedings. As in the reform fights of the past, so in those to come, the pen in the hands of these champions will indeed "be mightier than the sword."

Some objections that have been advanced are as follows:

(a) That bills will be held back until the second session to avoid publicity. It is a matter of record that the two-thirds vote now required can not be secured after the fifteenth day of the session upon any local measures, or such as meet with general approval; objectionable ones can not obtain such support.

(b) That members would not work, and interests opposed to the people would get more time and a better chance to influence legislators. These objections are untenable.

The member who would be influenced during a recess would lend as willing an ear to the "siren voice" of the boodler during the "rush and bustle" of a session. Pains-taking members who have accepted office "as a public trust" would do better work, and an abundance of it; while the "legislative drones," or agents of private interests would be weeded out, or forced open, by the unfavorable comparison presented between the two classes. Time and publicity would prove efficient means of destroying the power that has been wielded in the past, by the unprincipled apologist or servant of corporate greed.

(c) That a false public sentiment, through the medium of certain newspapers, could be created during recess on any pending question. The conditions sought to be brought about, viz: Publicity and discussion, which of a suitable scope, will overcome error, about, viz: That members will be pursued and harassed by these desiring to be heard on bills.

It is a right of the people to consult with their legislative representatives, and any of the latter who are unwilling to do so should be made subject to the "recall." Valuable aid, rather than trouble, will follow such consultation; it should be invited, not discouraged. There need be no fear on this score.

In conclusion, I respectfully urge that this proposal be given a trial. It can not do harm; it is certain to lead to improved conditions, for the benefit of legislators, of their constituents, and of the state.

No other plan has been suggested that will retain all that is useful of the continuous session; make more effective present safeguards; and by the simple device of a recess invite the cooperation of all our citizens and taxpayers in the endeavor to legislate in a manner to answer the needs of a state of unsurpassed opportunities; to aid in the development of her unequalled resources, and to assist the mental and moral progress of her people.

A. CAMINETTI (author).

course, would be done were the experiment as is evidenced by the number of criminals in penitentiaries in California we have about the and the cases tried before the police court must, therefore, admit that women would be and morality if given the ballot.

It is argued that all women do not wish to for it has become a common practice on the per cent of the male voters, and many who Women, being more faithful to duty, will cheerfully; besides, their presence on such an enjoyable, as well as a guaranty that everybody who are in touch with public affairs are not they are better and more companionable will have a common interest with their sons.

The time was when it was thought that to ruin her morals, destroy her religion, impair take away her desire to be a good wife a exploded, and, as we have progressed in the suffrage; let us show the saloon element the these are the opponents of woman suffrage), a progressive state in every way.

REASONS WHY SENATE CONSTITUTIONAL AMENDMENT NO. 2 SHOULD BE ADOPTED.

Suffrage is not a right. It is a privilege. It no place for a woman, consequently the mother's influence is needed in the home. S and neglecting her children. Let her teach gentleness are the charms of woman. Let her is every man's first political law; that no sp surrender of the simplest right of a free and country can shape the destinies of the nation to those duties that God Almighty intended the mother in the home and the dignified in outweigh all the influence of all the manliness

The courageous, chivalrous, and manly men and home builders of the country, are opposed life. There was a bill (the Stanford bill) to leave the equal suffrage question to the women vote on it. This bill was defeated by the suffrage would vote down the amendment by a vote of government and take care of the women. I the protection of men? Why, men have gon itself in defense of woman. To man, woman is no extreme to which he would not go for her exalted position man can be induced to d mix up in affairs that will cause him to lose not have to vote to secure her rights. M elevate her now. As long as woman is won protection and more consideration than man throws down the scepter of her power and l Woman suffrage has proven a failure in California should profit by the mistakes of suffrage effected. On the contrary, statist states, Colorado particularly, that divorces h the equal suffrage amendment, showing that also increased among the children, and more due to the lack of the mother's influence in

Woman is woman. She can not unsex her tent with her lot and perform those high du and she will accomplish far more in govern by mixing up in the dirty pool of politics. K the republic. Let not the sanctity of the ho may be running up and down the highway f women defeat this amendment and keep w may retain the respect of all mankind.

5. SENATE CONSTITUTIONAL AMENDMENT NO. 2.

CHAPTER 9.—Senate Constitutional Amendment No. 2, a resolution proposing to the people of the State of California an amendment to section 14 article I of the constitution of the State of California.

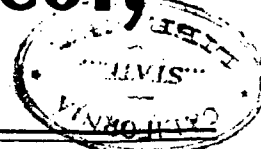
The legislature of the State of California, a day of January, in the year one thousand and nine hundred and eleven, two thirds of the members elected to each of the houses of said Legislature voting in favor thereof, hereby proposes that section fourteen of article I of the constitution of the State of California, be amended so as to read as follows:

Section 14. Private property shall not be taken for public use without just compensation having first been made to, or if of way shall be appropriated to the use of an compensation therefor be first made in money owner, irrespective of any benefits from any which compensation shall be ascertained by civil cases in a court of record, as shall be pre for a railroad run by steam or electric p be deemed a taking for a public use, and any private property under the law of eminent do thereby become a common carrier.

Section fourteen of article I, proposed to be amended as above, now reads as follows: Sec. 14. Private property shall not be taken for public use without just compensation having first been made to, or paid in shall be appropriated to the use of any corporation therefor be first made in money or as irrespective of any benefit from any improvement compensation shall be ascertained by a jury, un in a court of record, as shall be prescribed to

REASONS WHY SENATE CONSTITUTIONAL AMENDMENT NO. 2 SHOULD BE ADOPTED.

The proposed amendment makes slight changes in the constitution, merely adding the taking of private property for a railroad run for lumbering purposes, shall be deemed a taking



tution of the State of California, with Legislative Reasons for and against Adoption Thereof,

ON AT A SPECIAL ELECTION TO BE HELD ON TUESDAY, THE TENTH DAY OF OCTOBER, A. D. 1911,

OUNTIES OF THE STATE OF CALIFORNIA, AND TO THE REGISTRAR OF VOTERS OF THE CITY AND COUNTY OF SAN FRANCISCO, BY FRANK C. JORDAN, SECRETARY OF STATE.

ment of such charter to the qual-
render and annulment of any such
der general laws in force for the

ITE FOR SENATE CONSTITU- IO. 5.

the second place on the official
onal amendments, known as the
from the successful administration
isions of our constitution relating

with the knowledge that the one
ty and local governments and for
l to such an extent as to create a
tent as well as for the regulation
it the uniform system of coun-
d therein. It was supposed to be
l laws, as to county and township
sion of deputies when such are
les so as to put each county in a
of uniformity what formerly was
d system is still in control and is

ty and of townships in connection
ly determined the character and
system, as under the present, the
ty government laws, in more than
id the creation of sinecures, it was
n their merits. Each county dele-
ponsibility for two reasons: first,
and, secondly, for the reason that
grind" and thus aids the others in

t; if they could by vote select free-
l at the polls and also subject to
ved insufficient to meet their wants,
they are in most cases, as changes
scale"—would not be parceled out
ssity and the benefit of the public
nere pay? Over half a century of
resent methods what would under

rk a discreet business man conducts
on such a plan. Home rule in
ately, if not wholly, secure such a
s government, with the immediate
lectorate, through amendments, the
e people can and will reserve for
ler this amendment to the constitu-
readily harnessed for action when
a corrective, but also as a deterrent
government.

their regulation and compensation,
road affairs of a county or district,
is from this source. All road laws
promises in endeavors to make a
wealthy and populous, and of those
Experience indicates that the road
outies and districts are concerned,
a people, and let them as taxpayers
their charters what they want in
or repaired, by what plan and by
he county or district plan, in whole,
plete, or limited authority over the
g the action of supervisors thereon,
hat they may provide in the charter

nty administration and county and
ethod of selection, amount of com-
repair and maintenance of all except
mpent, under this proposed amend-
jects generally require in the detail
than all the balance of the business
r that they should form the nucleus

s question a great deal of attention
"County Home Rule" on the same
lifornia, trusting to results sure of
charters, as was experienced under
for its simplicity, efficiency, adapt-
he will of the people can be put into
eguarding their rights—will not be

as far as applicable, the safe and
ment in reaching its present advan-
and creation the initiative, referen-
r care, are conserved, notwithstanding
to this amendment. City charters
and with these powers conferred in
f a county, how can it reasonably be
county government?

supervisors is not fixed and that the
nline to secure control of the county
pointments of all officers, presuppose
hemselves to the yoke thus prepared.
ing interest taken by citizens in pub-
Besides it must be borne in mind
avoided these pitfalls, because the
officers under primary election laws
). The day has passed in California
people if armed as proposed with the

in the second session and on final adjournment, when usually over five hundred are
submitted. Particularly beneficial would it be, for a new governor, who is inaugurated
at the beginning of a session, without that intimate knowledge of the state's business
so necessary to the proper discharge of his duties. As it is impossible for him to secure
this information in a continuous session, and as any material change in his term pass
tive conditions must be with the approval of the legislature, two years of his term pass
by before he can really get into full action. This is an unnecessary loss to the state.

Those who have followed in detail the proceedings of a legislature, the congestion of business
even when members are actuated by the purest of motives, debates and adjournments, is such
in committees as well as in the two houses caused by debates and adjournments, is such
as to make it impossible, at all times, to deliberate and treat the important questions
presented according to their merits and for the best interests of the commonwealth.
About one sixth, some times more, of the session is lost by adjournments from Friday
until Monday following, during which committees seldom meet, as their quorums are
broken by absentees who have wandered to San Francisco and other points. When it
is considered that during the last session approximately three thousand bills and resolu-
tions were filed—the average number of them, receive adequate attention. The "hit or
miss" game settles the fate of most of the bills, accordingly as the author is powerful
or weak. For the reasons cited, legislative hearings and investigations have become in
a measure really jokes. Of course there are exceptions when good results have been
achieved. Hearings and investigations are a necessity. No great business enterprise
could get along without them, and the state is as great as any from a business stand-
point, and far greater in value in a political sense. A divided session would enable
hearings and investigations, when necessary, to take place during recess, when they
could be as complete as the subjects involved require, and the benefits flowing therefrom
could be quickly secured for the state during the second session.

An instance, for illustration, will suffice to prove that this is another advantage of
the divided session over the continuous. During the session of 1909, a general demand
arose for the investigation of the ten per cent raise in certain transcontinental freight
rates that, it was alleged, approximately taxed California producers and shippers ten
millions of dollars annually. Resolutions setting forth the complaints in relation
thereto, and also to the outrageous express rates of the time, were introduced in the
senate. Their adoption followed, and the investigation ordered thereby commenced
before a committee of that body ending as many others have in a continuous session
in delay and disappointment.

In a divided session a full investigation would have been forced during recess, even
by a minority of the members, and the second session could have granted relief. It
will not do to say we now have a reform legislature, and that such things will not
happen again. It is to be wished that such legislatures will hereafter be the rule, but
lest "history repeat itself" let us be on guard.

We can not do without a law-making body, but we can, and ought to provide one
that will in fact deliberate or be forced to do so through the power of public opinion,
for without deliberation there can not be wholesome legislation. We should not for
many reasons, following in the light of experience, extend the continuous session, nor
limit the same more than we have. A path is marked out, however, one that has been
used by congress as the only method enabling it to meet its great responsibilities ever
since its establishment, and upon which the republic has been led to a marvelous
growth and prosperity. This way was found by the use of adjourned sessions and
recesses. Outside of bills, local in importance is the result of vacation, or recess, activity
all congressional legislation of importance is in sessions at fixed dates, some almost
by committees. The important committees are in sessions at fixed dates, some almost
continuously, investigating, mapping out their labors, receiving the reports of sub-
committees appointed to act during the recess of general committees, and hearing the
appeals and requests of individuals, of organizations, and of states that present and ever
urge action on many questions of national concern.

Thus tried, it appears a solution on safe and progressive lines for our legislative ills;
and possesses elements that will enlist the support of powerful agencies in struggles
for right and justice to all. A constant sentinel will be publicity, proving harmful only
to the unworthy cause, a victory-bearer to the just.

The potent power of the press—without which there could be no effective publicity—
would attend in season and out of season and during the sessions, especially in the
recess thereof, aiding materially in the labor involved in the examination and discus-
sion of measures pending in the legislature and in the dissemination throughout the
state of comments thereon growing out of individual or organized effort. The people
would have no better equipped and no abler corps of men in its service than will be
found in the ranks of the experienced editors and correspondents who have made a
study of statesmanship, and a specialty of reviewing legislative proceedings. As in
the reform fights of the past, so in those to come, the pen in the hands of these cham-
pions will indeed "be mightier than the sword."

Some objections that have been advanced are as follows:
(a) That bills will be held back until the second session to avoid publicity.
It is a matter of record that the two-thirds vote now required can not be secured
after the fifteenth day of the session upon almost all local measures, or such as meet with
general approval; objectionable ones can not obtain such support.

(b) That members would not work, and interests opposed to the people would get
more time and a better chance to influence legislators.
These objections are untenable. The members would lend as willing
the member who would be influenced during a recess would lend as willing
an ear to the "siren voice" of the boodler during the "rush and bustle" of a session.
Painstaking members who have accepted office "as a public trust" would do
better work, and an abundance of it; while legislative drones, or agents of private
interests would be weeded out, or forced out, or open, by the unfavorable comparison
presented between the two classes. Time and publicity would prove efficient means of
destroying the power that has been wielded in the past, by the unprincipled apologist or
servant of corporate greed.

(c) That a false public sentiment, through the medium of certain newspapers, could
be created during recess on any pending question.
The attempt to do so would react, provided the conditions sought to be brought
about, viz: Publicity and discussion, which in suitable scope, will overcome error.

(d) That members will be pursued and harassed by those desiring to be heard on
bills.
It is a right of the people to consult with their legislative representatives, and any
of the latter who are unwilling to do so should be made subject to the "recall." Val-
uable aid, rather than trouble, will follow such consultation; it should be invited, not
discouraged. There need be no fear on this score.

In conclusion, I respectfully urge that this proposal be given a trial. It can not do
harm; it is certain to lead to improved conditions, for the benefit of legislators, of their
constituents, and of the state.

No other plan has been suggested that will retain all that is useful of the continuous
session; make more effective present safeguards; and by the simple device of a recess
invite the cooperation of all our citizens and taxpayers in the endeavor to legislate in
a manner to answer the needs of a state of unsurpassed opportunities; to aid in the
development of her unequalled resources, and to assist the mental and moral progress
of her people.
A. CAMINETTI (author).

course, would be done were the experiment not a success. Women are better morally,
as is evidenced by the number of criminals in the penitentiaries. For example: In the
penitentiaries in California we have about three thousand men and about thirty women,
and the cases tried before the police courts probably average about the same. We
must, therefore, admit that women would be a great factor in promoting honesty, equity
and morality if given the ballot.

It is argued that all women do not wish to vote. The same argument applies to men;
for it has become a common practice on election days to send conveyances for a large
per cent of the male voters, and many who go voluntarily do so from a sense of duty.
Women, being more faithful to duty, will exercise their right of franchise and do it
cheerfully; besides, their presence on such occasions will make the whole occasion more
enjoyable, as well as a guaranty that everything will be carried on respectably. Women
who are in touch with public affairs are none the less womanly; but, on the contrary,
they are better and more companionable wives, more interesting mothers, because they
have a common interest with their sons.

The time was when it was thought that to allow a girl a high school education would
ruin her morals, destroy her religion, impair her health, make her more masculine, and
take away her desire to be a good wife and mother. Such theories are long since
exploded, and, as we have progressed in these matters, let us progress in reference to
suffrage; let us show the saloon element, the gambling element, the selfish element (for
these are the opponents of woman suffrage), that this great State of California is really
a progressive state in every way.

H. G. CATTELL, Assemblyman, 67th District. REASONS WHY SENATE CONSTITUTIONAL AMENDMENT NO. 8 SHOULD NOT BE ADOPTED.

Suffrage is not a right. It is a privilege that may or may not be granted. Politics is
no place for a woman, consequently the privilege should not be granted to her. The
mother's influence is needed in the home. She can do little good by gadding the streets
and neglecting her children. Let her teach her daughters that modesty, patience and
gentleness are the charms of woman. Let her teach her sons that an honest conscience
is every man's first political law; that no splendor can rob him nor no force justify the
surrender of the simplest right of a free and independent citizen. The mothers of this
country can shape the destinies of the nation by keeping in their places and attending
to those duties that God Almighty intended for them. The kindly, gentle influence of
the mother in the home and the dignified influence of the teacher in the school will far
outweigh all the influence of all the mannish female politicians on earth.

The courageous, chivalrous, and manly men and the womanly women, the real mothers
and home builders of the country, are opposed to this innovation in American political
life. There was a bill (the Sanford bill) before the last legislature which proposed to
leave the equal suffrage question to the women to decide first before the men should
vote on it. This bill was defeated by the suffragettes because they knew that the women
would vote down the amendment by a vote of ten to one. The men are able to run the
government and take care of the women. Do women have to vote in order to receive
the protection of men? Why, men have gone to war, endured every privation, and death
itself in defense of woman. To man, woman is the dearest creature on earth, and there
is no extreme to which he would not go for his mother or sister. By keeping woman in
her exalted position man can be induced to do more for her than he could by having her
mix up in affairs that will cause him to lose respect and regard for her. Woman does
not have to vote to secure her rights. Man will go to any extreme to protect and
elevate her now. As long as woman is woman and keeps her place she will get more
protection and more consideration than man gets. When she abdicates her throne she
throws down the scepter of her power and loses her influence.

Woman suffrage has proven a failure in the states that have tried it. It is wrong.
California should profit by the mistakes of other states. Not one reform has equal
suffrage effected. On the contrary, statistics go to show that in most equal suffrage
states, Colorado particularly, that divorces have greatly increased since the adoption of
the equal suffrage amendment, showing that it has been a home destroyer. Crime has
also increased among the children, and more young girls have gone wrong, all doubtless
due to the lack of the mother's influence in the home.

Woman is woman. She can not unsex herself or change her sphere. Let her be con-
tent with her lot and perform those high duties intended for her by the Great Creator,
and she will accomplish far more in governmental affairs than she can ever accomplish
by mixing up in the dirty pool of politics. Keep the home pure and all will be well with
the republic. Let not the sanctity of the home be invaded by every little politician that
may be running up and down the highway for office. Let the manly men and womanly
women defeat this amendment and keep woman where she belongs in order that she
may retain the respect of all mankind.

J. B. SANFORD, Senator, 4th District.

5. SENATE CONSTITUTIONAL AMENDMENT NO. 17.

CHAPTER 9.—Senate Constitutional Amendment No. 17, a resolution to propose to the people
of the State of California an amendment to the constitution of the State of California,
by amending section fourteen of article I thereof, relating to the rights of private property,
and to the law of eminent domain.

The legislature of the State of California, at its regular session, commencing the second
day of January, in the year one thousand nine hundred and eleven, two thirds of all the
members elected to each of the houses of said legislature voting in favor thereof, hereby
proposes that section fourteen of article I of the constitution of the State of California,
be amended so as to read as follows:

Section 14. Private property shall not be taken or damaged for public use without just
compensation having first been made to, or paid into court for, the owner, and no right of
way shall be appropriated to the use of any corporation other than municipal until full
compensation therefor be first made in money or ascertained and paid into court for the
owner, irrespective of any benefits from any improvement proposed by such corporation,
which compensation shall be ascertained by a jury, unless a jury be waived, as in other
civil cases in a court of record, as shall be prescribed by law. The taking of private prop-
erty for a railroad run by steam or electric power for logging or lumbering purposes shall
be deemed a taking for a public use, and any person, firm, company or corporation taking
private property under the law of eminent domain for such purposes shall be deemed to
thereby become a common carrier.

Section fourteen of article I, proposed as above, now reads as follows:
Sec. 14. Private property shall not be taken or damaged for public use without just com-
pensation having first been made to, or paid into court for, the owner, and no right of way
shall be appropriated to the use of any corporation other than municipal until full compen-
sation therefor be first made in money or ascertained and paid into court for the owner,
irrespective of any benefit from any improvement proposed by such corporation, which com-
pensation shall be ascertained by a jury, unless a jury be waived, as in other civil cases
in a court of record, as shall be prescribed by law.

REASONS WHY SENATE CONSTITUTIONAL AMENDMENT NO. 17 SHOULD BE ADOPTED.

The proposed amendment makes slight change in section 14 of article I of the consti-
tution. It will, if adopted, merely add to that provision the following words: "The tak-
ing of private property for a railroad run by steam or electric power for logging or

to vote upon charters and amendments must be held within a shorter limit of time than is
now allowed; that amendments, when adopted, must be certified, filed and recorded, the
same as charters; that the duties of the several officers who have to deal with charter
proceedings are made mandatory, so that action may be enforced by legal process in
case there is delay or failure to act.

The points that have been referred to, relating to matters of procedure, have been
explained for the purpose of showing that this amendment has been drawn and sub-
mitted with the aim of making the proceedings for the framing, adoption, and amend-
ment of city charters more effective, complete and expeditious.

But perhaps the strongest ground for urging the approval of this amendment lies in
the provision which empowers cities, in adopting or amending their charters, to provide
for a borough system of government. This authorization is merely permissive, so that
cities need not, and of course will not, avail themselves of it, unless their situation is
such as to commend its use in any particular instance.

The policy of establishing subordinate political subdivisions in large cities, having
local or special powers of administration and police jurisdiction, is a subject that is now
receiving a great deal of careful attention, especially in the larger cities of the state.
The rapid growth of cities is a most significant feature of the time, and the larger they
become the more complex are the governmental problems and difficulties with which they
have to deal. When a city becomes a center of a large population, that may be and is in
fact often greatly increased by annexation of outside territory, or by consolidation with
other cities, and both methods are now of common occurrence, the question of its form
of government is one of serious import, because of the geographical differences between
different parts of the city and the diverse interests of the various centers of population
within the municipality. The problem of providing a satisfactory scheme of government
and administration for a large urban population is difficult at best. The tendency of
people to gather in cities, which is so marked in this state, can not be checked by arti-
ficial means, and the subject to which we must earnestly address ourselves is to meet
the situation by permitting such a form of city government to be established as will
most effectively promote the well-being of the people who dwell in them. Accordingly
it is thought prudent, as well as practicable, to allow cities to provide, in their charters,
for the division of their territory into districts, to be called boroughs, which shall exer-
cise such local or special powers, under the general municipal government, as may be
found expedient. As examples of such special powers, we might cite the care and main-
tenance of streets, the establishment of local police, health and sanitary regulations, the
levying of assessments for purely local purposes, and the like. There is some question
whether such a system of boroughs could be established in a city under the provisions of
this section at present. The conviction is gaining much headway that the creation of
boroughs in the greater cities will solve many of their difficulties of administration, and
tend to prevent their governments from becoming unwieldy and inefficient. Separate
parts of cities, which they are of large area, may be more successfully governed if their
special needs are served by local authorities, subordinate to the control of the central
city government in matters that concern the city at large. This amendment is submitted
to the voters of the state for their consideration, with the conviction that it will effect a
desired improvement in the method of adopting city charters and that it will make for
the betterment of city government.

LESLIE R. HEWITT, Senator, 38th District.

7. SENATE CONSTITUTIONAL AMENDMENT NO. 22.

CHAPTER 22.—Senate Constitutional Amendment No. 22. A resolution to propose to the
people of the State of California an amendment to the constitution of said state, by
amending section 1 of article I thereof, relating to legislative powers, and reserving to the
people of the State of California the power to propose laws, statutes and amendments to
the constitution and to enact the same at the polls, independent of the legislature and also
reserving to the people of the State of California the power to approve or reject at the
polls any act or section or part of any act of the legislature.

The legislature of the State of California, at its regular session commencing on the second
day of January, 1911, two thirds of all the members elected to each of the two houses of
said legislature voting in favor thereof, hereby proposes that section 1 of article IV of the
constitution of the State of California, be amended so as to read as follows:

Section 1. The legislative power of this state shall be vested in a senate and assembly
which shall be designated "The legislature of the State of California," but the people
reserve to themselves the power to propose laws and amendments to the constitution, and
to adopt or reject the same, at the polls independent of the legislature, and also reserve the
power, at their own option, to so adopt or reject any act, or section or part of any act,
passed by the legislature. The enacting clause of every law shall be "The people of the
State of California do enact as follows:"

The first power reserved to the people shall be known as the initiative. Upon the pre-
sentation to the secretary of state of a petition certified as herein provided to have been
signed by qualified electors, equal in number to eight per cent of all the votes cast for all
candidates for governor at the last preceding general election, at which a governor was
elected, proposing a law or amendment to the constitution, set forth in full in said peti-
tion, the secretary of state shall submit the said proposed law or amendment to the con-
stitution to the electors at the next succeeding general election occurring subsequent to
ninety days after the presentation aforesaid of said petition, or at any special election
called by the governor in his discretion prior to such general election. All such initiative
petitions shall have printed across the top thereof in twelve point black-face type the fol-
lowing: "Initiative measure to be submitted directly to the electors."

Upon the presentation to the secretary of state, at any time not less than ten days
before the commencement of any regular session of the legislature, of a petition certified as
herein provided to have been signed by qualified electors of the state equal in number to
five per cent of all the votes cast for all candidates for governor at the last preceding gen-
eral election, at which a governor was elected, proposing a law set forth in full in said
petition, the secretary of state shall transmit the same to the legislature as soon as it
convenes and organizes. The law proposed by such petition shall be either enacted or
rejected without change or amendment by the legislature, within forty days from the time
it is received by the legislature. If any law proposed by such petition shall be enacted by
the legislature it shall be subject to referendum, as hereinafter provided. If any law so
petitioned for be rejected, or if no action is taken upon it by the legislature within said
forty days, the secretary of state shall submit it to the people for approval or rejection at
the next ensuing general election. The legislature may reject any measure so proposed by
initiative petition and propose a different one on the same subject by a year and may vote
upon separate roll call, and in such event both measures shall be submitted by the secre-
tary of state to the electors for approval or rejection at the next ensuing general election
or at a prior special election called by the governor, in his discretion, for such purpose.
All said initiative petitions last above described shall have printed in twelve point black-
face type the following: "Initiative measure to be presented to the legislature."

The second power reserved to the people shall be known as the referendum. No act
passed by the legislature shall go into effect until ninety days after the final adjournment
of the session of the legislature which passed such act, except acts calling elections, acts
providing for tax levies or appropriations for the usual current expenses of the state, and
emergency measures necessary for the immediate preservation of the public peace, health or
safety, passed by a two-thirds vote of all the members elected to each house. Whenever
it is deemed necessary for the immediate preservation of the public peace, health or safety
that a law shall go into immediate effect, a statement of the facts constituting such neces-

2. That a system under direct state supervision will be effective.

E. O. LARKINS, Senator, 32d District.

STATEMENT OF AUTHOR OF SENATE CONSTITUTIONAL AMENDMENT NO. 2.

Constitutional Amendment No. 2 amends section 14 of article XI of the constitution by permitting what is now prohibited, namely, the adoption of uniform laws for the inspection of weights and measures and commodities sold by weights and measures.

Section 14 of article XI, as it stands at present, reads as follows: "No state officer shall continue or create in any county, city, town, or other municipality, for the inspection, measurement, or graduation of any merchandise, manufacture, or commodity; but such county, city, town, or municipality may, when authorized by general law, appoint such officers."

Constructing the foregoing section, the supreme court of the state held in *Condict vs. Police Court*, 59 Cal. 278, that the section did not permit the creation by the legislature of any office charged with the duty of inspecting measures or weighing instruments by which commodities and merchandise are bought and sold. In the *Condict* case a law which had been in force prior to the adoption of the present constitution, providing for the inspection of gas meters by a state inspector, was rendered inoperative by the above quoted section.

The United States Government, through its Bureau of Standards, has, during the last few years, been actively engaged in making investigation of the weights and measures conditions in large cities of the United States and in advising and encouraging legislation designed to bring about a uniform standard and a correction of the evils resulting from the use of short weights and measures. That investigation has resulted in disclosing the fact that practically 50 per cent of the scales and measures in use are short, and that practically all commodities and merchandise which are now sold by weight, measure, or number, such as cereals, bacon, and canned goods, are much less than their purported weight or measure. An agent of the Bureau of Standards recently investigated the weights and measures condition in the larger cities of California, and his report has been filed with the Bureau of Standards. Space will not permit giving the result of that investigation, but reference to the conditions in the city of Fresno, which city the inspector declared was better than other cities of California which he investigated, shows the necessity for the adoption by the legislature of a uniform law permitting a state-wide inspection of weights and measures. The following is a quotation from that report:

"It will be seen from the above table that but 41 per cent of the scales found in use (in Fresno) are correct, the remaining 59 per cent showing discrepancies greater than the tolerance allowed in these tabulations. It may be remarked that the errors are not quite as large as in some of the larger cities heretofore inspected and that a somewhat smaller percentage is apparently due to fraud. The widespread prevalence of the faulty apparatus taken in conjunction with the fact that the average error on the incorrect scales is 4.8 per cent, making the average error on every scale found in use and inspected 2.8 per cent, is entirely sufficient to show the imperative need of systemizing business by standardizing the apparatus in use. The additional fact that in some stores every amount done up must necessarily be short on account of the condition of the apparatus in use only serves to strengthen the above statement."

The report of the inspector of the Bureau of Standards further shows that the loss to consumers through short weight packages is very great. In one commodity alone, namely, butter, that loss amounts to hundreds of thousands of dollars. In San Francisco it was discovered that the weight of pound prints of butter is 15.12 ounces, the shortage being .88 ounce, or 5.5 per cent per print; that the 1½ pound prints average 23.53 ounces, the shortage being .47 ounce, or 2 per cent per print; that the 2 pound prints average 30.72 ounces, the shortage being 1.28 ounces, or 4 per cent per print.

The report states: "The loss to the consumers of the city is, of course, enormous. The Bureau of Labor Statistics shows that the normal adult of the workingman's family uses about 28 pounds of butter a year. Basing a total consumption upon 400,000 people, the total amounts to 11,200,000 pounds a year. The average shortage per pound amounts to .60 ounce, or 475,000 pounds per year. At an average price of 35 cents per pound (which is much less than the present price) the loss of this one commodity alone on the people of San Francisco is more than \$160,000 a year."

The report declares that practically the same conditions exist in the other cities of California. The inspector of the Bureau of Standards concludes his report as to conditions in California as follows:

"The conditions, then, as revealed by this inspection, are most chaotic and deplorable, and the loss to the consumer and to the honest merchant is an enormous one. We believe that there is, without question, an imperative necessity for a stringent law regulating weights and measures and establishing local inspection services. It is apparent, after a careful study of the subject, that a law of the greatest efficiency can not be legally passed before a constitutional amendment is adopted."

If the proposed constitutional amendment is adopted by the people, the legislature of California will then be permitted to pass laws standardizing weights and measures in California and establishing a state-wide inspection, resulting in protection to every consumer of the state against frauds and short weights and measures, and to every honest merchant and retailer as well. In accomplishing this, California will not be a pioneer in this particular field of legislation, but will be only following the lead set by practically every progressive state of the Union. Upon the vote being taken in both houses upon the resolution submitting constitutional amendment number two to the people not a single vote was recorded against it.

RICHARD J. WELCH, 19th Senatorial District.

2. COMMITTEE SUBSTITUTE FOR SENATE CONSTITUTIONAL AMENDMENT NO. 5.

CHAPTER 64.—Committee Substitute for Senate Constitutional Amendment No. 5, a resolution proposing to the people of the State of California an amendment to the constitution of the State of California, by adding a new section to article XI of the constitution and designating as section seven and one half of said article XI of the constitution of the State of California, relating to charters of counties and amendments to such charters, and to the surrender thereof.

The legislature of the State of California, at its thirty-ninth regular session, commencing on the second day of January, 1911, two thirds of all the members elected to each of the two houses of said legislature voting therefor, hereby proposes that a new section be added to article XI of the constitution of the State of California, to be known and designated as section seven and one half of article XI of the constitution of the State of California, and to read as follows:

Section 7½. Any county may frame a charter for its own government consistent with and subject to the constitution (or, having framed such a charter, may frame a new one), relating to the matters hereinafter in this section specified, and none other, by causing a board of fifteen freeholders, who have been for at least five years qualified electors thereof, to be elected by the qualified electors of said county at a general or special election. Said board of freeholders may be so elected in pursuance of an ordinance adopted by the vote of three fifths of all the members of the board of supervisors of such county, deciding that the public interest requires the election of such board for the purpose of preparing and proposing a charter for said county, or in pursuance of a petition of qualified electors of said county as hereinafter provided. Such petition, signed by fifteen per centum of the qualified electors of said county, computed upon the total number of votes cast therein for all candidates for governor at the last preceding general election at which a governor was elected, praying for the election of a board of fifteen freeholders to prepare and propose a charter for said county, may be filed in the office of the county clerk. It shall be the duty of said county clerk, within twenty days after the filing of said petition, to examine the same, and to ascertain from the record of the registration of electors of the county, whether said petition is signed by the requisite number of qualified electors. If required by said clerk, the board of supervisors shall authorize him to employ a person, specially to assist him in the work of examining such petition, and said clerk shall forthwith attach to said petition his certificate, properly dated, showing the result thereof, and if, by said certificate, it shall appear that said petition is signed by the requisite number of qualified electors, said clerk shall immediately present said petition to the board of supervisors, if it be in session, otherwise at its next regular meeting after the date of such certificate. Upon the adoption of such ordinance, or the presentation of such petition, said board of supervisors shall order the holding of a special election for the purpose of electing such board of freeholders, which said special election shall be held not less than twenty days nor more than sixty days after the adoption of the ordinance aforesaid or the presentation of said petition to said board of supervisors; provided, that if a general election shall occur in said county not less than twenty days nor more than sixty days after the adoption of the ordinance aforesaid, or such presentation of said petition to said board of supervisors, said board of freeholders may be elected at such general election. Candidates for election as members of said board of freeholders shall be nominated by petition, substantially in the same manner as may be provided by general law for the nomination, by petition, of

and vote on the charters and amendments thereto. The day has passed in California when "ring county governments" can outwit the people if armed as proposed with the ballot and with the powers of the initiative, referendum and recall.

The reason the number of supervisors was left to the people to name provided it be not less than three, was to permit counties like Los Angeles and Alameda to have a greater number than would be desirable for economic reasons in Alpine, Mono, Amador or Fresno counties.

The power of directing that all county and township officers be appointed has been lodged in the Legislature for over thirty years, and yet it has never attempted to use it except in providing for the appointment of county officers on the death, removal, or resignation of any thereof and for deputies, assistants in county offices, and court reporters. It is contained in this amendment for such purposes and its proper exercise by the people can not be doubted.

Corporations and persons who may desire to continue present special privileges they enjoy at the expense of the public and the right to secure more in the future, fearing the new power the people will enjoy under this amendment concerning any renewal thereof, or granting of new ones, by regulations more in accord with right and justice, or of the establishment of public utilities by counties, may seek by specious pleas to defeat it; and some county and township officers, feeling their weakness in a charter government by the people, and desiring to perpetuate existing régimes, may also, oppose this reform, advancing in so doing other than the real reasons. The solicitude of such opponents will no doubt be understood by citizens and taken at its real value on election day.

California, possessing diversified interests and varying conditions, whose mountains, hills, and valleys vie with the ocean, rays and rivers, in modifying the necessities of counties, ranging in population in 1910 from Alpine with 309 to Los Angeles with 504,131, and in assessed valuation of property from \$509,150.00 to \$531,400,559.00, should provide a system that will be more responsive to local needs and that will better accommodate itself to the development of each county according to the desires of the people thereof, than that now supplied by the constitution and laws of the State.

It is my firm conviction that this amendment offers such a system and that it is consistent with progressive ideas of government, eminently just as a matter of principle and that as in charter city administration so in county home rule, the people will enjoy the benefit of good government and approach the ideals of American citizenship.

A. CAMINETTI (author).

The main object of this amendment is to place the local government of each county in the hands of its citizens—in other words, it is designed to give "home rule" to counties. The state constitution in section 5, article XI, authorizes the legislature to provide, by general and uniform laws, for the appointment or election of boards of supervisors, sheriffs, county clerks, district attorneys, and such other county, township and municipal officers as public convenience may require, and to prescribe their duties, fix their term of office and their compensation. For the purpose of regulating their compensation in proportion to their duties, the legislature may classify the counties by population. This classification has been made, with the result that there are now as many classes of counties as there are counties in the state, each county having a different salary schedule.

At each session of the legislature, practically every one of the fifty-seven counties in the state makes some changes in its county offices, entailing much labor upon the legislature concerning matters of which it is entirely ignorant. Under the present system, the voters of the county have no voice whatever in the changes in their county government law, while under the proposed constitutional amendment providing for county charters, they would entirely control their own local government upon all matters pertaining to their county government. Under the present system, changes in the county government act of each county are accomplished about as follows: Just before leaving for the regular session of the legislature, the members of the legislature confer with the various county officers of their respective counties and learn just what extra deputies or clerks each officer wants, and what raises of salaries he desires for his assistants. Sometimes investigation and inquiry is made as to the advisability of the proposed changes, but more often there is no attempt made to learn, or no means of finding out, the merits of the requests. These suggested changes are inserted in the county government act of each county, or the code sections covering the same are amended, and are passed by the legislature without debate or question.

By a time-honored custom of courtesy the framing of the county bills is left to the member or members from each county and passed without inquiry. In fact, inquiry would avail nothing, as no one but the people of each county knows the local needs. Thus, one or two men, cooperating with the county officials, may raise the salaries or increase the deputies in all the county offices at will. The urgent requests of the county officials, and the lack of information on the part of the legislator, doubtless often work great harm to the public good and a consequent increase of taxes.

The old system invites a general scramble for favors by county officials at each session of the legislature, which almost invariably increases the public burden without sufficient cause. Following is a brief summary of the provisions contained in this amendment:

1. Call for election of a board of fifteen freeholders to draft the charter, which call may be made by ordinance passed by three fifths vote of board of supervisors, or by petition signed by fifteen per cent of the qualified electors of the county.
2. Election of the board of freeholders and drafting of charter, which must be completed and filed by them within one hundred and twenty days after date of their election.
3. Publication of charter for ten days, the first publication being made within fifteen days after filing of same by board of freeholders.
4. Vote upon proposed charter by electors of the county, which must occur not less than thirty nor more than sixty days after final publication.
5. Ratification by legislature.
6. Amendments to the charter may thereafter be proposed by the board of supervisors, or by petition of 10 per cent of the qualified electors, then be voted upon by the voters of the county, and ratified by the legislature.
7. The general frame and structure of all county charters must be uniform, and shall provide for the following matters only:

(a) For boards of supervisors, their election, number, term of office and compensation. Also for their general regulation, their powers and duties, their removal from office and filling of vacancies. The supervisors must always be elected; can not provide for their appointment. Under this provision, the recall could be incorporated into the charter and be made applicable to the supervisors. Charter may provide that the supervisors be elected at large, or may arrange for their election by districts, but under either method each supervisorial district must be represented on the board by one member. The boards of supervisors shall have the power to fix and regulate, by ordinance, the number and appointment of assistants, deputies, clerks and attachés to be employed in each county office, prescribing their duties, powers, qualifications and compensation, together with their manner of appointment and removal.

(b) For county clerks, county clerks, treasurers, recorders, license collectors, tax collectors, public administrators, coroners, assessors, district attorneys, judges, superintendents of schools, justices of the peace, and constables of townships, judges and officers of other inferior courts provided for by law, and for the election or appointment of said officers, their term of office, duties and powers, compensation and their removal from office. Also may provide for segregation or consolidation of county offices. Under this provision, civil service could be applied to all appointive county officers with their deputies, assistants and clerks.

(c) For compensation of fish and game wardens, probation officers and other officers provided by law.

(d) For the formation of road districts for maintenance of roads, highways and bridges and for formation of construction districts for the construction of roads, highways and bridges. May also provide for creating indebtedness for such work and issuing bonds to cover same upon the assent of two thirds of the qualified electors at an election called for that purpose.

8. Any county may surrender its charter with the assent of two thirds of its qualified electors voting in favor thereof.

H. S. BENEDICT, Assemblyman, 72d District.

REASONS WHY COMMITTEE SUBSTITUTE FOR SENATE CONSTITUTIONAL AMENDMENT NO. 5 SHOULD NOT BE ADOPTED.

Committee Substitute for Senate Constitutional Amendment No. 5, proposing a new section, to be known as section 7½ of article XI of the constitution, should be defeated for the following reasons:

In brief, Senate Constitutional Amendment No. 5 provides, through boards of supervisors, for commission government in counties. The adoption or rejection of any proposed constitutional amendment should be determined, not only by the possible benefits that might accrue from its adoption, but by the possible or probable harm and detriment that might follow its adoption. Therefore, the following relates to the probable detriment that would result from the adoption of Senate Constitutional

of her people.

A. CAMINETTI (author).

Judging by the record of the last two sessions there are in excess of 1,300 measures introduced in each house during a session, which must be discussed, amended, debated and voted upon in say three months. No man can consider all those measures in that time, do them each justice, and avoid making mistakes. If the measures were introduced, considered by the committees, in the newspapers and by the public during a recess of sixty days, on the reassembling of the legislature the members would be almost certain to know the views of their constituents and the people of California on all important bills, and particularly upon those affecting directly the local interests of their districts.

Thus, when the members get together again, they will have had an opportunity to read and consider the bills introduced, will know what the people of the state desire, and will have had an opportunity to explain and discuss the measures personally and quietly with their constituents.

The various bills and constitutional amendments will have been taken in hand by subcommittees which can give to their share of the work their most careful attention. Public meetings will be held, newspaper articles published, and many measures thoroughly discussed during the recess, with all their merits and demerits fully exploited.

It is believed by the proponents of this amendment that its adoption will tend to produce more carefully considered and better digested laws than are possible under the present system.

LESTER G. BURNETT, State Senator, 25th District, San Francisco.

REASONS WHY SENATE CONSTITUTIONAL AMENDMENT NO. 6 SHOULD NOT BE ADOPTED.

If this amendment is adopted it will subject the legislators to unnecessary pressure from persons or interests seeking to secure legislation. The recess will be a field day for professional lobbyists to journey from one assembly district to another attempting to influence the "recessing" legislators. It will prove particularly harassing to members from large cities like San Francisco, Los Angeles, and Oakland, where the headquarters and representatives of these interests most likely to be affected by legislation are located. It will lengthen the session which, in my opinion, will naturally result in either reducing the mental and moral average of the legislators, or will resolve itself into a rich man's pastime for no man of average means who must earn a living can well afford to bear the expense of primary and general elections, spend thirty days at Sacramento, thirty days or more at home listening to the importunities of persons interested in legislation and then return to Sacramento for fifty days or more, or a total of from one hundred and ten to one hundred and twenty days, for all of which he would receive \$1000.

The recess will afford ample time and convenient opportunity for the manufacturing of a false public sentiment through the medium of purchased newspapers. It is folly to assume that the member of the legislature will take all the bills home and study each one carefully. He will be busy with his own affairs trying to catch up with the work that accumulated during his thirty days' absence from home and consequently won't have as much time to consider them as he would if he remained at Sacramento. An amendment providing no member could introduce more than ten bills during the session, that no bill could be introduced in either house after twenty days without the consent of three fourths of the members thereof, and that all appropriation bills must originate in the Assembly might accomplish beneficial results.

We are suffering most, however, from too much legislation. It would be a good idea to devote a whole session to repealing a number of freak laws now on the books. We are amending the constitution too often. It would be better to adopt a new one. We could include the initiative, referendum and recall in it—possibly might be shocked, but we are in the Union now. In the mean time, however, it is possible to continue to enact good legislation under the present system notwithstanding the time spent in preparing, considering and rejecting many foolish bills and the long, weary hours wasted in oratory.

EDW. J. TYRELL, Senator, 16th District.

4. SENATE CONSTITUTIONAL AMENDMENT NO. 8.

CHAPTER 16.—Senate Constitutional Amendment No. 8, a resolution to propose to the people of the State of California an amendment to section one of article two of the constitution in relation to the rights of suffrage.

The legislature of the State of California, at its regular session commencing on the second day of January, nineteen hundred and eleven, two thirds of the members elected to each of the two houses of the said legislature voting in favor thereof, hereby proposes that section one of article two of the constitution of the State of California be amended so as to read as follows:

Section 1. Every native citizen of the United States, every person who shall have acquired the rights of citizenship under or by virtue of the treaty of Queretaro, and every naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been resident of the state one year next preceding the election, and of the county in which he or she claims his or her vote ninety days, and in the election precinct thirty days, shall be entitled to vote at all elections, which are now or may hereafter be authorized by law; provided, no native of China, no idiot, no insane person, no person convicted of any infamous crime, no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the constitution in the English language and write his name, shall ever exercise the privileges of an elector in this state; provided, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be sixty years of age and upwards at the time this amendment shall take effect.

Section one of article II, proposed to be amended as above, now reads as follows:

SECTION 1. Every native male citizen of the United States, every male person who shall have acquired the rights of citizenship under or by virtue of the treaty of Queretaro, and every male naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been resident of the state one year next preceding the election, and of the county in which he claims his vote ninety days, and in the election precinct thirty days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; provided, no native of China, no idiot, no insane person, no person convicted of any infamous crime, no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the constitution in the English language and write his name, shall ever exercise the privileges of an elector in this state; provided, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be sixty years of age and upwards at the time this amendment shall take effect.

REASONS WHY CONSTITUTIONAL AMENDMENT NO. 8 SHOULD BE ADOPTED.

Women have the intelligence, the perseverance, and the honesty of purpose to assist in the uplifting of the state. They have a strength which should not be cast aside in the struggle for better things. They are the complement of men and in the purest sense their co-workers. In this belief I earnestly ask the consideration of the following reasons why the proposed amendment granting equal suffrage to women should be adopted:

The reasons why women should vote are the same as the reasons why men should vote, the same as the reasons for having a republic rather than a monarchy. To vote is simply to express one's opinion. A ballot is the instrument used. Spreading generally, the only real qualification governing its use is intelligence, for without intelligence one's opinion on any subject is worthless. Equal suffrage would increase the proportion of educated voters. The high schools of every state in the Union are graduating more girls than boys—often twice or three times as many.

There are women in the schools of California, over ten thousand teachers, of whom 85 per cent are women. The teaching of civics is obligatory. Is it fair to expect a woman, without that last sign of civic responsibility, the ballot, to possess such comprehending and practical knowledge of public affairs and machinery as would make her an inspiring teacher of civics for boys who already feel their importance as future voters and officeholders? Is she in a dignified position to do so? How can she teach the great truths of democracy—that it derives its authority from the eternal rights of nature; that a nation includes all its social elements and forces; that a true national representation, therefore, must include all these; that if one of these forces is neglected, the desire of this neglected force to be represented will inevitably lead to the necessity for a radical change; that the very purpose of the existence of the nation is the progressive development, happiness, and activity of all its social elements and forces—how can she teach these truths and explain the non-representation of women to clear-sighted boys and girls?

The proposed amendment makes slight addition. It will, if adopted, merely add to the list of private property for a railroad or lumbering purposes, shall be deemed a company or corporation taking private property for such purposes shall thereupon and thereb.

It is designed to remedy an evil that is large lumber companies which happen to be stream, of the lands of smaller owners to reach a carrier which will trans if this amendment is adopted, railroads who are present cut off from communities themselves reach out for lands. But whenever such railroad becomes a common carrier and serve other a lumbering company from owning and or over rights of way which it may purchase by condemnation proceedings for such compensation as shall be assessed by a jury and in addition operate such road as a common carrier.

The policy of the law as expressed for the Code of Civil Procedure, which says in behalf of "roads and flumes for logging or the right conferred by this amendment, by the existing provision of our constitution, against this proposed amendment. There legislature in opposition to the adoption of the reason that it will serve a useful purpose use the lands of themselves, by excluding them from.

CHAPTER 65.—Senate Constitutional Amendment No. 8, a resolution to propose to the people of the State of California, an amendment to section eight of article XI of the constitution and to read as follows:

The legislature of the State of California, on the day of January, in the year one thousand members elected to each of the houses of propose that section eight of article XI of amended so as to read as follows:

Section 8. Any city containing a population of five hundred and fifty persons or more, as ascertained and established by the direction of the congress of the United States, authorizing the taking of the census, shall be authorized to amend its charter, consistent with and subject to the constitution, may frame a new one, by causing, for at least five years, qualified electors of said city, at a general or special municipal election in pursuance of an ordinance adopted by the council, or other legislative body, requires the election of such board for the for said city, or in pursuance of a petition provided. Such petition, signed by fifteen computed upon the total number of votes the last preceding general election at which tion of a board of fifteen freeholders to be filed in the office of the city clerk thereof, twenty days after the filing of said petition record of the registration of electors of the said city, whether the petition is signed such city. If required by said clerk, the authorize him to employ persons specially petition, and shall provide for their completion, said clerk shall forthwith attach showing the result thereof, and if, by said signed by the requisite number of qualified tion to said council, or other legislative body, of such certificate. Upon the adoption of petition, said council, or other legislative body, for the purpose of electing such board of held not less than twenty days, nor more than sixty days, after the presentation of said body; provided, that if a general municipal election occurs in said city, whether the presentation of said petition to said council holders may be elected at such general members of said board of freeholders shall same manner as may be provided by the electors of candidates for public offices.

It shall be the duty of said board of after the result of such election shall have lative body, to prepare and propose a charter by the members of said board of free copy in the office of the city clerk of said recorder of the county in which said city body, shall, thereupon, cause said proposer in a daily newspaper of general circulation provided, that in any city where no such weekly newspaper of general circulation, and, in any event, the first publication of ten days after the filing of a copy thereof such proposed charter shall be submitted to the qualified electors of said city at a special municipal election, after the completion of said charter, which shall occur in said city days after the completion of such publication at such general election. If a general election occurs in said city, whether the election is a general or special election shall be deemed to be ratified, and shall be submitted otherwise at its next regular session, or its ordinary session, for its approval or rejection amendment. Such approval may be made majority vote of the members elected to elect such city, or, if such city be consolidated and shall become the organic law thereof framed under the provisions of this section thereof, and all laws inconsistent with such the mayor, or other chief executive officer of such city, setting forth the submission. Its ratification by them, shall, after the made in duplicate and deposited, one in the after being recorded in the office of the recorder, shall be deposited in the archives of the judicial notice of said charter.

CHAPTER 65.—Senate Constitutional Amendment No. 8, a resolution to propose to the people of the State of California, an amendment to section eight of article XI of the constitution and to read as follows:

The legislature of the State of California, on the day of January, in the year one thousand members elected to each of the houses of propose that section eight of article XI of amended so as to read as follows:

Section 8. Any city containing a population of five hundred and fifty persons or more, as ascertained and established by the direction of the congress of the United States, authorizing the taking of the census, shall be authorized to amend its charter, consistent with and subject to the constitution, may frame a new one, by causing, for at least five years, qualified electors of said city, at a general or special municipal election in pursuance of an ordinance adopted by the council, or other legislative body, requires the election of such board for the for said city, or in pursuance of a petition provided. Such petition, signed by fifteen computed upon the total number of votes the last preceding general election at which tion of a board of fifteen freeholders to be filed in the office of the city clerk thereof, twenty days after the filing of said petition record of the registration of electors of the said city, whether the petition is signed such city. If required by said clerk, the authorize him to employ persons specially petition, and shall provide for their completion, said clerk shall forthwith attach showing the result thereof, and if, by said signed by the requisite number of qualified tion to said council, or other legislative body, of such certificate. Upon the adoption of petition, said council, or other legislative body, for the purpose of electing such board of held not less than twenty days, nor more than sixty days, after the presentation of said body; provided, that if a general municipal election occurs in said city, whether the presentation of said petition to said council holders may be elected at such general members of said board of freeholders shall same manner as may be provided by the electors of candidates for public offices.

It shall be the duty of said board of after the result of such election shall have lative body, to prepare and propose a charter by the members of said board of free copy in the office of the city clerk of said recorder of the county in which said city body, shall, thereupon, cause said proposer in a daily newspaper of general circulation provided, that in any city where no such weekly newspaper of general circulation, and, in any event, the first publication of ten days after the filing of a copy thereof such proposed charter shall be submitted to the qualified electors of said city at a special municipal election, after the completion of said charter, which shall occur in said city days after the completion of such publication at such general election. If a general election occurs in said city, whether the election is a general or special election shall be deemed to be ratified, and shall be submitted otherwise at its next regular session, or its ordinary session, for its approval or rejection amendment. Such approval may be made majority vote of the members elected to elect such city, or, if such city be consolidated and shall become the organic law thereof framed under the provisions of this section thereof, and all laws inconsistent with such the mayor, or other chief executive officer of such city, setting forth the submission. Its ratification by them, shall, after the made in duplicate and deposited, one in the after being recorded in the office of the recorder, shall be deposited in the archives of the judicial notice of said charter.

CHAPTER 65.—Senate Constitutional Amendment No. 8, a resolution to propose to the people of the State of California, an amendment to section eight of article XI of the constitution and to read as follows:

The legislature of the State of California, on the day of January, in the year one thousand members elected to each of the houses of propose that section eight of article XI of amended so as to read as follows:

Section 8. Any city containing a population of five hundred and fifty persons or more, as ascertained and established by the direction of the congress of the United States, authorizing the taking of the census, shall be authorized to amend its charter, consistent with and subject to the constitution, may frame a new one, by causing, for at least five years, qualified electors of said city, at a general or special municipal election in pursuance of an ordinance adopted by the council, or other legislative body, requires the election of such board for the for said city, or in pursuance of a petition provided. Such petition, signed by fifteen computed upon the total number of votes the last preceding general election at which tion of a board of fifteen freeholders to be filed in the office of the city clerk thereof, twenty days after the filing of said petition record of the registration of electors of the said city, whether the petition is signed such city. If required by said clerk, the authorize him to employ persons specially petition, and shall provide for their completion, said clerk shall forthwith attach showing the result thereof, and if, by said signed by the requisite number of qualified tion to said council, or other legislative body, of such certificate. Upon the adoption of petition, said council, or other legislative body, for the purpose of electing such board of held not less than twenty days, nor more than sixty days, after the presentation of said body; provided, that if a general municipal election occurs in said city, whether the presentation of said petition to said council holders may be elected at such general members of said board of freeholders shall same manner as may be provided by the electors of candidates for public offices.

It shall be the duty of said board of after the result of such election shall have lative body, to prepare and propose a charter by the members of said board of free copy in the office of the city clerk of said recorder of the county in which said city body, shall, thereupon, cause said proposer in a daily newspaper of general circulation provided, that in any city where no such weekly newspaper of general circulation, and, in any event, the first publication of ten days after the filing of a copy thereof such proposed charter shall be submitted to the qualified electors of said city at a special municipal election, after the completion of said charter, which shall occur in said city days after the completion of such publication at such general election. If a general election occurs in said city, whether the election is a general or special election shall be deemed to be ratified, and shall be submitted otherwise at its next regular session, or its ordinary session, for its approval or rejection amendment. Such approval may be made majority vote of the members elected to elect such city, or, if such city be consolidated and shall become the organic law thereof framed under the provisions of this section thereof, and all laws inconsistent with such the mayor, or other chief executive officer of such city, setting forth the submission. Its ratification by them, shall, after the made in duplicate and deposited, one in the after being recorded in the office of the recorder, shall be deposited in the archives of the judicial notice of said charter.

CHAPTER 65.—Senate Constitutional Amendment No. 8, a resolution to propose to the people of the State of California, an amendment to section eight of article XI of the constitution and to read as follows:

The legislature of the State of California, on the day of January, in the year one thousand members elected to each of the houses of propose that section eight of article XI of amended so as to read as follows:

Section 8. Any city containing a population of five hundred and fifty persons or more, as ascertained and established by the direction of the congress of the United States, authorizing the taking of the census, shall be authorized to amend its charter, consistent with and subject to the constitution, may frame a new one, by causing, for at least five years, qualified electors of said city, at a general or special municipal election in pursuance of an ordinance adopted by the council, or other legislative body, requires the election of such board for the for said city, or in pursuance of a petition provided. Such petition, signed by fifteen computed upon the total number of votes the last preceding general election at which tion of a board of fifteen freeholders to be filed in the office of the city clerk thereof, twenty days after the filing of said petition record of the registration of electors of the said city, whether the petition is signed such city. If required by said clerk, the authorize him to employ persons specially petition, and shall provide for their completion, said clerk shall forthwith attach showing the result thereof, and if, by said signed by the requisite number of qualified tion to said council, or other legislative body, of such certificate. Upon the adoption of petition, said council, or other legislative body, for the purpose of electing such board of held not less than twenty days, nor more than sixty days, after the presentation of said body; provided, that if a general municipal election occurs in said city, whether the presentation of said petition to said council holders may be elected at such general members of said board of freeholders shall same manner as may be provided by the electors of candidates for public offices.

It shall be the duty of said board of after the result of such election shall have lative body, to prepare and propose a charter by the members of said board of free copy in the office of the city clerk of said recorder of the county in which said city body, shall, thereupon, cause said proposer in a daily newspaper of general circulation provided, that in any city where no such weekly newspaper of general circulation, and, in any event, the first publication of ten days after the filing of a copy thereof such proposed charter shall be submitted to the qualified electors of said city at a special municipal election, after the completion of said charter, which shall occur in said city days after the completion of such publication at such general election. If a general election occurs in said city, whether the election is a general or special election shall be deemed to be ratified, and shall be submitted otherwise at its next regular session, or its ordinary session, for its approval or rejection amendment. Such approval may be made majority vote of the members elected to elect such city, or, if such city be consolidated and shall become the organic law thereof framed under the provisions of this section thereof, and all laws inconsistent with such the mayor, or other chief executive officer of such city, setting forth the submission. Its ratification by them, shall, after the made in duplicate and deposited, one in the after being recorded in the office of the recorder, shall be deposited in the archives of the judicial notice of said charter.

CHAPTER 65.—Senate Constitutional Amendment No. 8, a resolution to propose to the people of the State of California, an amendment to section eight of article XI of the constitution and to read as follows:

The legislature of the State of California, on the day of January, in the year one thousand members elected to each of the houses of propose that section eight of article XI of amended so as to read as follows:

Section 8. Any city containing a population of five hundred and fifty persons or more, as ascertained and established by the direction of the congress of the United States, authorizing the taking of the census, shall be authorized to amend its charter, consistent with and subject to the constitution, may frame a new one, by causing, for at least five years, qualified electors of said city, at a general or special municipal election in pursuance of an ordinance adopted by the council, or other legislative body, requires the election of such board for the for said city, or in pursuance of a petition provided. Such petition, signed by fifteen computed upon the total number of votes the last preceding general election at which tion of a board of fifteen freeholders to be filed in the office of the city clerk thereof, twenty days after the filing of said petition record of the registration of electors of the said city, whether the petition is signed such city. If required by said clerk, the authorize him to employ persons specially petition, and shall provide for their completion, said clerk shall forthwith attach showing the result thereof, and if, by said signed by the requisite number of qualified tion to said council, or other legislative body, of such certificate. Upon the adoption of petition, said council, or other legislative body, for the purpose of electing such board of held not less than twenty days, nor more than sixty days, after the presentation of said body; provided, that if a general municipal election occurs in said city, whether the presentation of said petition to said council holders may be elected at such general members of said board of freeholders shall same manner as may be provided by the electors of candidates for public offices.

It shall be the duty of said board of after the result of such election shall have lative body, to prepare and propose a charter by the members of said board of free copy in the office of the city clerk of said recorder of the county in which said city body, shall, thereupon, cause said proposer in a daily newspaper of general circulation provided, that in any city where no such weekly newspaper of general circulation, and, in any event, the first publication of ten days after the filing of a copy thereof such proposed charter shall be submitted to the qualified electors of said city at a special municipal election, after the completion of said charter, which shall occur in said city days after the completion of such publication at such general election. If a general election occurs in said city, whether

amendment to be submitted to the people, for their approval or rejection, at the next general election or at a special election to be called by the governor in his discretion;

By Senate Constitutional Amendment No. _____

...through ordinances and ... the theory that the inter- ... self-government, is enticing ... No. 5 that the counties do not ... to the constitution, except the ... of an elective board of ... of county and township officers, ... of elective officers. All spe- ... first, to elect a board of free- ... and township officers; and, ... their naming to all county and ... his present board of super- ... it all, appoint more honest and ... would nominate through the ... section? Appointive county and ... as to such officers. More than ... or township, would be beyond ... understood that boards of super- ... office county officers who would ... them in their respective offices ... think how infrequent it is in ... fault another. And besides, ... is blind to the imperfections of ... knowledge of the inefficiency or ...

ize, if not totally destroy, their ... their right to elect such officers, ... recall such officers. This pro- ... the referendum and the recall ... tional amendments, to which ... pposed, provide for direct local ... removal of county and township ... and every of the counties of the ... for possible and probable harm, ... vitation to the people to give up ... ne people, by the initiative, the ... onating of not less than three ... to the requirements of the pro- ... y, or unconsciously, be governed ... men in office. The people, as a ...

ment, which form of government ... er ear or republic. The amend- ... legislature and executive and ... reason of its lengthy, chaotic and ... ury will not see the power of the ... visors on the other, settled and ...

IAN, Senator, Second District.

... directly in good government; bad laws, and the non-enforcement of the same. It is ... Property rights should be represented on the same basis for men and women. It is ... fair and right that those who must pay taxes should have a voice as to the size of the ... tax and the way it shall be spent as they are affected by legislation must be preserved ... The inalienable rights of person as they are framed in laws, which deal with them, ... to women, and no one can without equal suffrage is impossible, because it is only ... Representative democracy ... through this form of government that people who are subject to laws may have a voice ... in making them. Restriction of the franchise tends to encourage aristocracy, while ... equal suffrage will encourage democracy.

Indirect influence. Women all over the United States have accomplished much civic ... work without the ballot. Many of the laws and reforms of public health and morals have ... the welfare of the child, the protection of women, and they have had to arrive at this result by ... been inspired and secured by women, but they have had to appeal to a city council ... getting some one else to do the work for them. But a vote. She must get some one to ... or a state legislature means to a woman, without having the right to express their ... adopt her views and do the work for her. Women should have the right to express their ... opinions on public matters in a straightforward, simple, direct manner, and they should ... receive such consideration as every citizen deserves. Woman can take part in public ... affairs in a womanly way, and it is because she is a woman that her counsel and opin- ... ions are valuable.

Woman's place is the home. She is the happiest among women who is blessed with a ... home and a family. If women vote it will not destroy the home. It only means a short ... time once or twice a year to go to the polls and deposit a marked piece of paper, and ... during these few minutes she wields a power that is doing more to protect her home ... and all other homes than any other possible influence, and she need not neglect her ... household nor her children in order to do it. Almost any woman has enough time to go ... to the polls, and enough time to inform herself so she can vote intelligently. It has ... been said that to enter the political arena woman must give up her home after having ... fear is only imaginary. On the contrary, she will stick closer to her home after having ... reached the goal of her ambition. Her personality, enlarged by the proofs of her ... extended activity, will raise the standard of home higher than ever. Having become ... an individuality herself, she will respect the individuality of her husband and children. ... There will be fewer misunderstandings and more understanding wives. The ... home, far from suffering, will gain by woman's extended sphere of activity.

Governor Bryant B. Brooks of Wyoming said: "In the first place, let me say that ... nothing can be so far from the truth as the idea that woman suffrage has the slightest ... tendency to disrupt the home. Indeed, I have seen much of the working of woman ... Francis E. Warren of Wyoming testified: "The first case of domestic discord therefrom." Chief ... Justice Joseph W. Fisher testified: "I have seen the effect of woman suffrage. Instead ... of encouraging fraud and corruption, it tends greatly to purify elections." Theodore ... Roosevelt says: "I believe in the rights of woman just as much as I do in those of man, ... and indeed a little more. She can do the best work in her home if she has healthy out- ... side interests and occupations as well as those in her home."

Women in their homes are responsible for the health, cleanliness, and the comfort of ... their families. Many matters of city and state administration, so it is not fair to hold ... homes have become matters of cleanliness and healthfulness of food, and the prevention of ... woman responsible for the cleanliness and healthfulness of food, and the prevention of ... disease, unless she has a right to an opinion about these matters, now that they are ... public questions. The solution of the problem of cities, which involve unsanitary ... housing, poisonous sewage, infant mortality, impure milk, juvenile crime, attempted to ... and drunkenness, should have the help of minds which have in the past attempted to ... for children, clean homes, to prepare foods, and isolate the family from moral ... dangers. However much all California women would like to stay at home, they can ... can not do so. Economic conditions have forced women to support themselves and ... others. They have been carried by necessity into all the professions and industries. ... These relations are constantly affected by restraining or remedial legislation in which ... women have a right to be heard.

Woman suffrage a success. Woman suffrage never has failed where it has been ... granted. No state or nation has ever repealed it when once conferred.

Woman suffrage not an innovation. Suffrage can not now, when considered in its ... broad aspect, be called an innovation. In more than half the states in the Union women ... have the school ballot, and their votes occasionally turn the scales in a school election. ... In England, Scotland, Ireland, Canada, Kansas, Sweden, and elsewhere, women have the ... municipal ballot, and their votes have effectively influenced such elections. In Wy- ... ming, Colorado, Utah, Idaho, Washington, Finland, Norway, Australia, and New Zealand ... thousands of women vote for all elective officers, including the highest. Statistics show ... that where women have equal suffrage with men as large a proportion of women vote ... as men, and a recent census of New Zealand showed that in the last general election a ... trifle larger percentage of women voted than did the men. New Zealand gave women ... the ballot in 1893, and sociologists declare that all the magnificent reforms which have ... pur New Zealand in the timid conservatism of men. The other Australasian states ... often in opposition to women, and recently the senate of Federated Australia adopted ... have given suffrage to women, and recently the senate of Federated Australia adopted ... resolutions expressing satisfaction at the beneficial workings of woman suffrage, and ... urging that all nations enjoying a representative government would be well advised in ... granting votes to women.

Julia Ward Howe's canvass. All people ought to be willing to trust the fairness of ... Julia Ward Howe. Mrs. Howe wrote to the ministers and editors of the enfranchised ... states, asking them to sign a petition for woman suffrage had been good or ... bad. She received 624 answers, 62 opposed, 46 in favor, and 516 in favor.

Colorado. Judge Lindsey writes in the February *Delinquent*: "It, woman suffrage, has ... been one of the great bells that has aroused the conscience of the people of Colorado to the work of flushing filth from ... its politics, bettering economic conditions, mitigating the cruelties of industrialism, pro- ... moting equal and exact justice, and making a more wholesome and expansive environ- ... ment. To these ends, in the short space of seventeen years, it has aided in placing a ... score of needed laws on the statute books—it has raised new standards of public service, ... of political morality, and of official honesty."

Reform workers favor suffrage. It is highly significant that the women who are doing ... either volunteer or paid social work all over this country are almost unanimous in their ... belief that they could do their work better if they could vote. The women who are ... doing valiant service on civic committees and playground commissions, those working ... for a proper milk supervision, the probation officers, those on the housing commissions, ... all the noble women who are giving time and consideration to philanthropic work, these ... women know actual conditions; they come in contact with realities. Jane Adams feels ... that she could do her work better with the ballot. So does Florence Kelley, Ella Flagg ... Young, and the other hosts of women who are devoting their lives to the welfare of ... women and children and the uplift of the race.

All the arguments against woman suffrage have been answered by the operation of ... equal suffrage in New Zealand, Australia, Finland, Norway, and Wyoming. Colorado, Idaho and ... Utah. Hon. W. P. Reeves, agent general for New Zealand, after commending the good ... influence of women suffrage in that country said: "And this widens women's lives, ... brightens their intellects, makes their lives fuller and more useful to the country and ... none the less charming in the domestic circle." Charles Edward Russel said: "I have ... seen a great many New Zealand households, and they seemed exactly as well ordered, ... as bright, cheerful and happy as any other households I have seen in New Zealand, and ... J. B. Connally, United States Consul at Auckland, New Zealand, wrote: "The late elec- ... tion refutes the charges made by the opponents of female suffrage that women are ... incapable, owing to their inexperience in political affairs, to exercise the privilege intelli- ... gently; they have fully demonstrated their unmistakable capacity in this respect beyond ... the possibility of a doubt, by their displayed in the selection of candidates." The Right ... Honorable Sir Joseph Ward, Premier of New Zealand, said: "In my opinion the results ... of enfranchising the women of New Zealand have been wholly beneficial. The state- ... ment that the power to vote renders a woman less attractive or less companionable is ... utter nonsense."

A proposal to establish a sex line in politics would now be laughed at.

Mr. Louis Brandeis is a many years past, he is also a keen lawyer and a practical ... has brought him fame for many years past, he is also a keen lawyer and a practical ... man of affairs. That proved by his brilliant handling of the Pinchot-Ballinger case, ... and by his remarkably successful presentation of the claims of the eastern shippers ... the recent much discussed investigation of railway rates before the Interstate Com- ... merce Commission. When, therefore, Mr. Brandeis, after frankly admitting that he ... mered to be opposed to equal suffrage, says: "My change of opinion has been connected, ... of my own experience in various movements with which I have been connected, ... endeavoring to solve the social, economic and political problem which have presented ... themselves from time to time," his words ought to carry conviction. Hereafter, when ...

... there be no such daily newspaper. If a majority of such qualified electors voting thereon ... at such general or special election shall vote in favor of any such proposed amendment or ... amendments or any amendment or amendments proposed by petition, as hereinafter pro- ... vided, such amendment or amendments shall be deemed to be ratified, and shall be forth- ... with submitted to the legislature, if it be in regular session, otherwise at its next regular ... session, or may be submitted to the legislature in extraordinary session, for approval or ... rejection as a whole, without power of alteration or amendment, and if approved by the ... legislature, as herein provided for the approval of the charter, such charter shall be ... amended accordingly. A copy of such amendment or amendments shall be authenticated, cer- ... approval thereof by the legislature, be made in duplicate, and shall be of force and effect, ... filed, recorded and filed as herein provided for the charter, and with the clerk of the city. ... Whenever a petition signed by fifteen per centum of the qualified electors for governor at ... computed upon the total number of votes cast therein for all candidates for governor at ... the last preceding general election at which a governor was elected, is filed in the office ... of the city clerk of said city, petitioning the council, or other legislative body thereof, to ... submit any proposed amendment or amendments to the charter, to the qualified elect- ... amendment or amendments shall be set forth in full in such petition, by the city clerk, and ... ors thereof, such petition shall forthwith be examined and certified by the city clerk, and ... if signed by the requisite number of qualified electors of said city, as hereinbefore provided ... the said council, or other legislative body, by the said city clerk, as hereinbefore provided ... petitions for the election of boards of freeholders. Upon the presentation of said peti- ... tion to said council, or other legislative body, said council, or other legislative body, must ... submit the amendment or amendments set forth in said petition to the qualified electors of ... said city, at a general or special municipal election, held not less than twenty, nor more ... than forty, days after the completion of the publication of such proposed amendment or ... amendments, in the same manner as hereinbefore provided in the case of the submission ... of any proposed amendment or amendments to such charter, proposed and submitted by ... of the council, or other legislative body. The first publication of any proposed amendment ... amendments to such charter, so proposed by petition shall be made within fifteen days ... after the aforesaid presentation of said petition to said council, or other legislative body, ... in submitting any such charter, amendment or amendments thereto, any alternative article ... or proposition may be presented for the choice of the electors, and may be voted on sepa- ... arately without prejudice to others.

Every special election held in any city under the provisions of this section, for the elec- ... tion of a board of freeholders, or for the submission of any proposed charter or any amend- ... ment or amendments thereto, shall be called by the council, or other legislative body ... thereof, by ordinance, which shall specify the purpose and time of such election, and shall ... establish the election precincts and designate the polling places therein, and the election ... officers for each such precinct. Such ordinance shall, prior to such election, be pub- ... lished five times in a daily newspaper, or twice in a weekly newspaper, and there be ... no such daily newspaper printed, published and circulated in said city. Such election ... shall be held and conducted, the returns thereof canvassed, and the result thereof declared ... by the council, or other legislative body of such city, in the manner wherein such pro- ... hereafter provided by general law for such elections in the particular wherein such ... vision is now or may hereafter be made therefor, and in all other respects in the manner ... provided by law for general municipal elections, in so far as the same may be applicable ... thereto.

Whenever any board of freeholders shall be elected, or any such proposed charter or ... amendment or amendments thereto shall be submitted at a general municipal election, the ... laws governing the election of city officers, or the submission of propositions to the vote of ... electors, shall be followed in so far as the same may be applicable thereto and not incon- ... sistent herewith.

It shall be competent in any charter framed by any city under the authority given in this ... section, or by amendment to such charter, to provide, in addition to those provisions allowed ... by this constitution and by the laws of the state, for the establishment of a borough ... system of government for the whole or any part of the territory of such city, by which one ... or more districts may be created, within which districts shall be known as boroughs, and ... which shall exercise such special municipal powers as may be granted by such charter, and ... for the organization, regulation, government and jurisdiction of such boroughs.

All the provisions of this section relating to the city clerk shall, in any city and county, ... be deemed to relate to the clerk of the legislative body thereof.

Section eight of article XI, proposed to be amended as above, now reads as follows: ... Sec. 8. Any city containing a population of more than three thousand five hundred ... inhabitants may frame a charter for its own government, consistent with and subject to the ... constitution (or, having framed such a charter, may frame a new one), by causing a ... board of fifteen freeholders, who shall have been for at least five years qualified electors ... thereof, to be elected by the qualified voters of said city at any general or special election, ... whose duty it shall be, within ninety days after such election, to prepare and propose a ... charter for such city, which shall be signed in duplicate by the members of such board, ... or a majority of them, and returned, one copy to the mayor of the county, and the other ... officer of such city, and the other to the recorder of the county. Such proposed charter ... shall then be published in two daily newspapers of general circulation in such city, for at ... least twenty days, and the first publication shall be made within twenty days after the ... completion of the charter; provided, that in cities containing a population of not more than ... ten thousand inhabitants, such proposed publication it shall be submitted to the qualified ... paper; and within thirty days after such publication it shall be submitted to the qualified ... electors of said city at a general or special election, and if a majority of such qualified ... electors voting thereon shall ratify, as a whole, without power of alteration or amendment, ... ture for its approval or rejection as a whole, and if approved by a majority vote ... Such approval may be made by concurrent resolution, and if approved by a majority vote ... of the members elected to each house, it shall become the charter of such city, or if such ... city be consolidated with a county, then of such city and county, and shall become the ... organic law thereof and supersede any existing charter, (whether framed under the pro- ... visions of this section of the constitution or not,) and all amendments thereof, and all laws ... inconsistent with such charter. A copy of such charter, certified by the mayor, or chief ... executive officer, and authenticated by the seal of such city, setting forth the submis- ... of such charter to the electors, and its ratification by them, shall after the approval of ... of such charter by the legislature, be made in duplicate, and deposited, one in the office of the secre- ... tary of state, and the other, after being recorded in said recorder's office shall be filed ... in the archives of the city, and thereafter all courts shall take judicial notice of said charter. ... The charter, so ratified, may be amended at intervals of not less than two years by pro- ... posals therefor, submitted by the legislative authority of the city after the publication of such ... thereof at a general or special election, held at least forty days after the publication of such ... proposals for twenty days in a daily newspaper of general circulation in such city, and ... ratified by a majority of the electors voting thereon, and approved by the legislature as ... herein provided for the approval of the charter. Whenever fifteen per cent of the qualified ... voters of the city shall petition a charter to the qualified voters thereof for approval, the ... amendment or amendments thereto, must submit the same. In submitting any such charter, or ... legislative authority thereto, any alternative article or proposition may be presented for the choice ... amendments thereto, any alternative article or proposition may be presented for the choice ... of the voters, and may be voted on separately without prejudice to others.

REASONS WHY SENATE CONSTITUTIONAL AMENDMENT NO. 20 SHOULD BE ADOPTED.

The section now forbids the amendment of a city freeholder charter more than once ... in two years. The supreme court held that this prevented taking a vote in a city ... upon proposed amendments more than once in two years. Some cities had held special ... elections to amend after the November general or municipal election, and the ruling ... compels all such cities to go to the additional expense of holding an election shortly ... after the municipal election to vote on amendments, which, but for the limitation, might ... have been submitted at the municipal election. The proposed change provides, under ... careful limitation, for taking a vote on proposed amendments without reference to the ... existence. Another change permits amendments which have been ratified by ... two year limitation, to be approved by an extra session of the legislature, if one happens to be in ... the people to be approved by the legislature, as it stands, requires a charter to be published in newspapers ... for ten days. The expense is often very great and the present proposal reduces the ... election of freeholders to frame a charter by a petition of fifteen per cent of the ... electors, and very carefully guards the signing and official examination of such a peti- ... tion, as well as the petition by which amendments may be submitted, already provided for ... for. No other change is made except a provision that a charter may provide for a ... borough system by districts to be known as boroughs. It is not to make the power certain, ... not be done under the present provisions. It is desirable to make the power certain, ... All the changes are good and improve the provision, and are dictated by the result of ... experience.

JOHN P. HARE (author), Senator 23d District.

REASONS WHY SENATE CONSTITUTIONAL AMENDMENT NO. 20 SHOULD BE ADOPTED.

The section now forbids the amendment of a city freeholder charter more than once ... in two years. The supreme court held that this prevented taking a vote in a city ... upon proposed amendments more than once in two years. Some cities had held special ... elections to amend after the November general or municipal election, and the ruling ... compels all such cities to go to the additional expense of holding an election shortly ... after the municipal election to vote on amendments, which, but for the limitation, might ... have been submitted at the municipal election. The proposed change provides, under ... careful limitation, for taking a vote on proposed amendments without reference to the ... existence. Another change permits amendments which have been ratified by ... two year limitation, to be approved by an extra session of the legislature, if one happens to be in ... the people to be approved by the legislature, as it stands, requires a charter to be published in newspapers ... for ten days. The expense is often very great and the present proposal reduces the ... election of freeholders to frame a charter by a petition of fifteen per cent of the ... electors, and very carefully guards the signing and official examination of such a peti- ... tion, as well as the petition by which amendments may be submitted, already provided for ... for. No other change is made except a provision that a charter may provide for a ... borough system by districts to be known as boroughs. It is not to make the power certain, ... not be done under the present provisions. It is desirable to make the power certain, ... All the changes are good and improve the provision, and are dictated by the result of ... experience.

JOHN P. HARE (author), Senator 23d District.

By Senate Constitutional Amendment No. 20 it is proposed to make certain changes ... of the constitution, relating to the framing and adoption of

Other points of difference between the two bills may be mentioned. The amendment in the House bill relating to elections, and petitions proposing amendments, and for defraying the expense of such

action has been made that these powers would deprive the legislature
refute this it is but necessary to remark that at the recent session of
bills were introduced, that 956 of these passed both houses, and
ys. How utterly absurd, therefore, to think that the activity of the
denied could be duplicated by the people in their collective capacity,
and will not be a substitute for legislation, but will constitute that
the people should retain for themselves, to supplement the work of the
making those measures which the legislature either viciously or neglig-
ently enact; and to hold the legislature in check, and veto or negat-
as it may viciously or negligently enact. All objections finally and
a distrust of democracy? Is a challenge of the power of the people
constitution, as to whether self-government is a success or failure—
people believe in themselves. It is the step which organizes legislation to
individual and clothes him with the power to secure good laws by
tators and legislatures.
capable of self-government? If they are, this amendment should be
are not, this amendment should be defeated.

LEE C. CLARK, Senator, 34th District.
WM. C. GATES, Assemblyman, 50th District.

SENATE CONSTITUTIONAL AMENDMENT NO. 20 SHOULD BE ADOPTED.

[illegible]

tutional Amendment No. 20 It is proposed to make certain changes

The changes contemplated relate almost entirely to the procedure of amendment of such charters, and are suggested as the result of

appeared from the operation of the section in its present form. The writer knew that this instance, one of the many instances of the kind, was not the initiative and

own discretion, determines whether a board of freeholders to prepare a charter can only be begun at the instance of the freeholders chosen at a general or special election. The proposed amendment, in my opinion, is a violation of the constitution of the State.

provides a scheme under which the voters of any city, by petition, amend the election of a board of freeholders. At the present time,

...l have a charter, or, whether, having adopted a charter, shall have a
upon the action of the governing body of the city. It is obvious that
with the people who live in cities, the

...question of the form of local government under which they shall possess the same power, they

ings for the adoption of charters proposed by this amendment is in principle that the people should reserve to themselves the power to determine the amendment be adopted it will no longer be possible for

and if this amendment be adopted, it will not be possible for the board of trustees of any city, by adverse action, or by delay, to throw off, or to prevent, the adoption of a charter by a city.

(b) As our ec
tion becomes m

or freeholders must be held and provides in what manner candidates or be nominated. The drafting of a city charter is a labor that fully prepared la-

ter must be completed in ninety days after the election of the free-
tion. Every hon-
fessional man, t

proposes to increase this period to one hundred and twenty days, thereby
opportunity for the freeholders to consider and finally agree upon
Much deeper study is now being devoted to city charters

ing chiefly, no doubt, to the tendency to enlarge the power of cities, in the matter of operating public utilities, and four months is no more than

able under present conditions, has frequently resulted in placing the people which have not been prepared with the care that is essential

proposed relates to the publication of charters before they are voted upon by the people which have been proposed by the people, the property and character. (d) Would it be better to have the charters published before they are voted upon by the people which have been proposed by the people, the property and character.

in cities of more than ten thousand inhabitants, at least one daily newspaper for the same period. In cities of less population the consideration of all will bring forth reasonable suggestions.

of charters in cities in which no daily newspaper is published. The charters are purely a matter of detail, but under the present section massive and for a period longer than need be. The amendment

ter by reducing the publication to ten insertions in one daily news-
there is no daily newspaper published, the omission in the present
phases that publication may be made

or such a case is cured by the direction that publication may be made of the charter in a weekly newspaper. Instances can be cited where existing proposed charters under the existing section has run from three

is largely a de-

The amendment provides for examining petitions for freeholders' and determining their sufficiency, and

expense of such examination; that freeholders' elections and elections -

SENATE CONSTITUTIONAL AMENDMENT NO. 22 SHOULD NOT
BE ADOPTED.

on of every voter, for it is so radical as to be almost revolutionary in tendency is to change the republican form of our government and head

representatives chosen by the people or by the people themselves. As our economic relations grow more complex, beneficial legislation becomes a

Thus, section 4 of article XIII of the state constitution of 1879 pro-
cessment of mortgages, trust deeds, etc. The avowed purpose was to
the mortgage tax

an additional three or four per cent to cover the tax. For years it has been claimed that this constitutional provision was working a hardship upon the borrow-

such an amendment was submitted to the people and carried by a
overwhelming majority. In 1909 the repeal of this amendment was again
carried in the November election of 1910. It was only after years of

proposes of the initiative and referendum. At the last general election 10 propositions were submitted to the voters of this state, and while 385,613 votes were cast, the average vote for constitutional amendments was only 10,000.

warrant them in voting for or against these proposed organic laws. If of the qualified voters of the state refrained from voting upon these amendments, and they were adopted or rejected by less than 50 per cent

ns it was the general rule for the voter to ask some one whom he sup-
er informed than himself to mark a sample ballot on the amendments.

each voter the serious consideration of the following propositions before

necessary inference from language employed in the federal constitution, decisions of Chief Justice Marshall. Section 2 of article 1 of the state constitution is not in conflict with the federal constitution. If in the exercise of

constitutionality of a legislative act or statute is vested in the courts. The safeguards enjoined by the minority against the tyranny of the majority are not a statute enacted by the people, in whom all political power is

economic and commercial relations grow more complex, beneficial legislation is difficult. This is an era of experts and specialists in almost every

...not the inclination or time to enter upon and complete such an investigation voter must admit this is an uncontrovertible fact. Neither the pro-

make a careful and thorough study of the law upon which he votes is an
with as fair a chance of being wrong as right. Making laws in this man-

and it is just as hazardous to submit the making of laws which affect personal rights of all to so ill-advised a determination.

ose that preconceived notions, demagoguery, and prejudice will largely making of laws by means of the initiative and referendum system? ent constitutional amendment provides that a law may be submitted to

submitted. His opinions must necessarily be picked from the most extreme mouths of demagogues, colored and selfish statements of representative interests and the half-baked opinions of sensational newspapers.

often he has been led to an erroneous conclusion in public and private

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

erroneous in any given case, still the chance that in a particular case, with the chance that in other cases, it may be better to leave it as a duty from which they may, and it is no fault of theirs."

I decided the case of *Houghton vs. the legislature of California* provided to the calling of the convention. He states:

"respondent would be followed by a popular indignation. If this court are utterly ignorant of willing to believe we have reached persons, however influential, that their conscientious convictions of duty, encouraged, perhaps, by those selves in opposition to the prevail-

impel us to join in a decision which in such case, whatever personal id not transfer the responsibility of worthy of respect, without personal s our obligation to serve the people, ourselves."

d for removing judges who render uly have been "recalled," for that as been followed with approval by

from that opinion would have been f this "recall" provision be adopted, ect a judge to render an unpopular to be dragged from the bench by a ould submit himself to the alterna- or suffer the disgrace of a recall by those conditions? Let us not ever and servants of the majority. Give at, for the rule of might is tyranny; acy. The unrestrained rule of the eal because it has all the evils of this country should not be ruled by her the majority, nor the individual address said: "If by mere force of y clearly written constitutional right, certainly would if such a right were

accordingly, and he should be as it will be well for us to follow the Justice Marshall, "the greatest judge h or blessed a country," said in the tenure of the judiciary: "Is it not to ired perfectly and completely inde- d his conscience? I have that the greatest scourge an angry ing people was an ignorant, corrupt

endence of the courts of justice is

site to guard the constitution and the ners which the arts of designing men, times disseminate among the people place to better information and more me to occasion dangerous innovations

1. "Toward the preservation of your happy state it is requisite not only on its acknowledged authority, but vations upon its principles, however be to effect in the forms of the con- of the system, and thus to undermine changes to which you may be invited, necessary to fix the true character of experience is the surest standard by institutions of a country; that facility opinion exposes to perpetual change 1; and remember especially that from s in a country so extensive as ours, a with the perfect security of liberty is

we are bound to follow implicitly in asard all the lights of current experi- hat I do say is, that if we would sup- case, we should do so upon evidence heir great authority, fairly considered

The constitution we live under is the n. Under it we have enjoyed unparal- ck and balance system—the protection nstitution acts the barrier, and before ted principles and try a new route we have been so far advanced in favor of

B. CURTIN, Senator, 12th District he argument against S. C. A. No. 23.

AMENDMENT NO. 26.

26, a resolution to propose to the people nstitution of the State of California, by umbered section 4, relating to appeals

its regular session commencing on the ne hundred and eleven, two thirds of es of said legislature voting in favor of the State of California the following rnia by adding a new section to article

new trial granted in any criminal case mproper admission or rejection of evi- or procedure, unless, after an examina- court shall be of the opinion that the of justice.

AL AMENDMENT NO. 26 SHOULD ED.

ur courts of last resort to sustain ver- miscarriage of justice, or putting it in sary for the higher courts to grant the mportant errors. It is designed to meet

twelve of the constitution of the State of California be amended so as to read as follows:

Section 23. Every private corporation, and every individual or association of individ- als, owning, operating, managing, or controlling any commercial railroad, interurban railroad, street railroad, canal, pipe line, plant, or equipment, or any part of such rail- road, canal, pipe line, plant or equipment within this state, for the transportation or con- veyance of passengers, or express matter, or freight of any kind, including crude oil, or gas, or the production, generation, transmission, delivery or furnishing of heat, light, water or power for the public, and storage or wharfage facilities, either directly or indirectly, subject to such control and every common carrier, is hereby declared to be a public utility, and the legislature, and every regulation by the railroad commission as may be provided by the legislature, and every class of private corporations, individuals, or associations be subject to such control and reg- ulation. The railroad commission shall have and exercise such power and jurisdiction to ulation. The railroad commission in the State of California, and to fix the rates to be supervised and regulate public utilities, or services rendered by public utilities as shall be charged for commodities furnished, or services rendered by public utilities as shall be ferred upon it by the legislature, and the right of the legislature to confer powers upon the railroad commission respecting public utilities is hereby declared to be plenary and to be unlimited by any provision of this constitution.

From and after the passage by the legislature of laws conferring powers upon the rail- road commission respecting public utilities, all powers respecting such public utilities vested in boards of supervisors, or municipal councils, or other governing bodies of the several counties, cities and counties, cities and towns, in this state, or in any commission created by law and existing at the time of the passage of such laws, shall cease so far as created by law and existing at the time of the passage of such laws, shall cease so far as such powers shall conflict with the powers so conferred upon the railroad commission; provided, however, that this section shall not affect such powers of control over any pub- lic utility vested in any city and county, or incorporated city or town as, at an election to be held pursuant to laws to be passed hereafter by the legislature, a majority of the qual- ified electors voting thereon of such city and county, or incorporated city or town, shall vote to retain, and until such election such powers shall continue unimpaired; but if the vote so taken shall not favor the continuation of such powers they shall thereafter vest in the railroad commission as provided by law; and provided, further, that where any in the railroad commission as provided by law; and provided, further, that where any in such city and county or incorporated city or town shall have elected to continue any powers respecting public utilities, it may, by vote of a majority of its qualified electors, thereafter surrender such powers to the railroad commission in the man- ner to be prescribed by the legislature; or if such municipal corporation shall have surren- dered any powers to the railroad commission, it may, by like vote, thereafter reinvest itself with such power. Nothing in this section shall be construed as a limitation upon any power conferred upon the railroad commission by any provision of this constitution now existing or adopted concurrently herewith.

Section 23 of article XII, proposed to be amended as above, now reads as follows: Sec. 23. Until the legislature shall district the state, the following shall be the railroad districts: The First District shall be composed of the counties of Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado, Humboldt, Lake, Lassen, Mendocino, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo, and Yuba, from which one railroad commissioner shall be elected. The Second District shall be composed of the counties of Marin, San Francisco, San Mateo, and Contra Costa, from which one railroad commissioner shall be elected. The Third District shall be composed of the counties of Alameda, Contra Costa, Fresno, Inyo, Kern, Los Angeles, Mariposa, Merced, Mono, Monterey, San Benito, San Bernardino, San Diego, San Joaquin, San Luis Obispo, Santa Barbara, Santa Clara, Santa Cruz, Stanislaus, Tulare, Tuolumne, and Ventura, from which one railroad commissioner shall be elected.

THE REASONS WHY SENATE CONSTITUTIONAL AMENDMENT NO. 47 SHOULD BE ADOPTED.

This amendment is designed to authorize the legislature to confer upon the railroad commission power to supervise and regulate public utilities and to fix the rates to be charged for commodities furnished and services rendered by public utilities. The term public utilities is so defined as to embrace every conceivable kind of public service, including the transportation or conveyance of passengers and express matter and freight of any kind, including crude oil, the transmission of telephone and telegraph messages, the production, generation, transmission, delivery or furnishing of heat, light, water and power, and the furnishing of storage or wharfage facilities. Briefly, the amendment proposes to extend the jurisdiction of the railroad commission to every kind of public service, excepting that furnished by public service corporations there can be no argument. The only question which can be presented in considering this amendment is whether regulation of the public at large, must undertake the regulation when the state, for the protection of public service corporations. This is a function which can be exercised by the state alone, and since it is inseparably connected with the matter of rate regulation it should follow absolutely as a logical proposition that the matter of rate regulation should be the subject of state control as well.

Experience in other states in which public utilities have been subjected to state control has shown that the engineering force and the corps of experts required to ascer- tain the facts necessary for intelligent action on the part of the regulating body, are more efficient if they have to deal with every public utility in the state regardless of its size or the size of the city in which it operates. There is also economy in the term proposed since the same experts which serve one city will serve every other city in the state, and the cities will thus be relieved of the necessity of employing high salaried experts and assistants. Furthermore, the system will remove the source of public corrup- tion. The action of an impartial central body is more intelligent and just than the actions of the governing bodies of the cities concerned. Courts are inclined to look upon the findings of such central bodies on questions of fact as binding in the pre- sence of public service corporations themselves are reluctant to challenge the orders of the such boards because the findings of fact upon which such orders are based are the result of careful and painstaking investigations by many of the states requiring the ac- counting systems provided for by the corporation to be kept and rendered in a particular manner and to be approved by the commission, and providing that such accounts and reports shall be public and the results of their operations with the public. Such a system will be established in California if the amendment is adopted.

By the terms of the amendment public utilities is expressly made unlimited. Upon the passage of laws by the legislature conferring powers upon the commission all similar powers theretofore vested in the several counties of the state shall cease. The power to regulate and fix rates shall also be cast at an election to be held in each county shall express its desire to retain those powers now vested in it. This provision is deemed advisable since our cities are now possessed of certain constitutional powers to the arbitrary evocation of which they might be reluctant to submit. Cities are more or less affected to the advantages of regulation of public service corporations may lead to be educated in other states make it certain, in the judgment of persons prominently identified with local regulation boards, that within two years from the adoption of the amendment every city in the state will have relinquished its powers to the state board.

The further provision that a city having relinquished its powers may thereafter re- claim them by popular vote, was inserted in the excess of caution, lest the people of a city might fear that in favoring state control they were giving away powers which they could not reclaim in the event that state control proved ineffectual. The system of state control has, however, justified itself in California conditions do not differ materially from those obtaining elsewhere in the United States. As a measure of economic reform we deem this to be one of the most important amendments to be voted upon by the people, and we believe that it will be ratified.

LESTER G. BURNETT, State Senator, 25th District.

electric light and water companies, and the very indifferent way in which they are replaced, is a perpetual source of public complaint and annoyance in cities. While cities may make regulations for damages and indemnity for damages, this is very unsatisfactory, for the collection of damages for poor work done in repairing streets or for injuries suffered thereby is a troublesome thing, and does not cure the evil. The remedy lies in giving the cities direct control over such work so that it may be prop- erly done in the first place, thus preventing any cause for damages, and not in a mere right to sue for an indemnity or collect damages afterwards, as is now the case. To cite one instance of the defects of the present system: Attempts have been made in several cities with scant success, to require trenches to be dug and pipes and conduits to be laid before streets are paved. But the companies are not obliged to do this; they can wait upon their own pleasure in this regard, and the general experience is, that no sooner is a costly pavement laid or other improvements made than the work of destruc- tion forthwith begins, by the tearing-up process, for pipes and conduits. This is a constant source of public inconvenience and expense, and is the direct and natural out- growth of the want of authority in municipalities to regulate the subject. To say that the work must be done "under the direction of the superintendent of streets" and that this should be a sufficient protection to the public, is to miss the point of the difficulty entirely. The city should have the power to prescribe when such work shall be done, and how it shall be done, and to regulate it so as to insure good work with the least public inconvenience. If this amendment is approved, gas, electric lighting and water companies will be required to observe such rules and regulations as may be prescribed by the municipality before and while they are laying pipes and conduits, or erecting poles or stringing wires, and any other system, such as the loose one now in force, will be a failure.

Considering now the proposed amendment, as an entirely new section, and upon its own merits, we urge the following in its behalf: It will settle, beyond all doubt, the question whether municipalities may own and operate public utilities. The first sen- tence of the amended section is a complete and direct grant of power in this regard. Under the authority granted by this amendment, cities may construct works for sup- plying their inhabitants with light, water, power, heat, transportation, telephone serv- ice or other means of communication; or they may acquire such works by the purchase of existing plants. The right of individuals or private corporations to operate these utilities will not be taken away, but such operation and the manner of using the public streets must be in accordance with such regulations as the cities may prescribe in their charters. The right to regulate charges will be retained by cities. And, lastly, a very important provision authorizes any city to furnish public utilities to inhabitants outside of its boundaries; but it can not furnish such service, to the inhabitants of any other municipality owning or operating works supplying the same service to its inhabitants, without the assent of such other municipality, expressed by ordinance.

This amendment is offered for the purpose of recognizing the position of cities in acquiring and operating those utilities which are now recognized as public necessities; and for the purpose of placing individuals or private corporations which furnish such services under reasonable control by the cities in which they operate thus correcting the evils that have been referred to. The amendment should be adopted.

LESTER G. BURNETT, State Senator, 25th District.
LESLIE R. HEWITT, State Senator, 38th District.

15. ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 2.

CHAPTER 68.—Assembly Constitutional Amendment No. 2, a resolution to propose to the people of the State of California an amendment to section 7 of article IX of the consti- tution of the State of California, in relation to the minimum period for the use of text- books in the common schools throughout the state.

Resolved by the assembly, the senate concurring, That the legislature of the State of California, at its regular session, commencing on the second day of January, nineteen hun- dred and eleven, two thirds of the members elected to each of the two houses voting in favor thereof, hereby propose that section 7 of article IX of the constitution of the State of California shall be amended to read as follows:

Section 7. The governor, the superintendent of public instruction, the president of the University of California, and the professor of pedagogy therein, and the principals of the state normal schools, shall constitute the state board of education, and shall compile, or cause to be compiled, and adopt a uniform series of text-books for use in the common schools throughout the state. The state board may cause such text-books when adopted, to be printed, and published by the superintendent of state printing, at the state price of office; and when so printed and published, to be distributed and sold at the cost price of printing, publishing and distributing the same. The text-books, so adopted, shall continue in use not less than four years, without any change or alteration whatsoever which will require or necessitate the purchase of new books by such pupils, and said state board shall perform such other duties as may be prescribed by law. The legislature shall provide for a board of education in each county in the state. The county superintendents and the county boards of education shall have control of the examination of teachers and the granting of teachers' certificates within their respective jurisdictions.

Section 7 of article IX, proposed to be amended as above, now reads as follows: Sec. 7. The governor, the superintendent of public instruction, the president of the University of California, and the professor of pedagogy therein, and the principals of the state normal schools shall constitute the state board of education, and shall compile, or cause to be compiled, and adopt a uniform series of text-books for use in the common schools throughout the state. The state board may cause such text-books, when adopted, to be printed and published by the superintendent of state printing, at the state price of office, and, when so printed and published, to be distributed and sold at the cost price of printing, publishing, and distributing the same. The text-books so adopted shall continue in use not less than four years; and said state board shall perform such other duties as may be prescribed by law. The legislature shall provide for a board of education in each county in the state. The county superintendents and the county boards of education shall have control of the examination of teachers and the granting of teachers' certificates within their respective jurisdictions.

REASONS WHY ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 2 SHOULD BE ADOPTED.

Amendments to the constitution of the State of California proposed by the legislature must be approved or rejected by the voters. This is one step in the line of a general referendum, which means a more representative government as it grows to include all laws or acts of the legislature.

Assembly Constitutional Amendment No. 2 provides that school text-books, when adopted by the state board of education, "shall continue in use not less than four years." The advisability of approving this proposed amendment should be clearly apparent to every parent of school children who has found the frequent purchasing of new books necessary. It means the protection of those who pay the bills versus so rapidly that the royalty trusts. History and geographical lines do not change so rapidly that teachers can not give proper tuition, and there is little excuse for too frequent changes in the other lines of study. Eliminating the twenty-five per cent royalty paid annually, and a careful preparation of the text-books once in four years, will mean a great saving to our people. The adoption of this amendment will provide for the lessening of cost will demonstrate its feasibility. The payment of \$41,175.39 in annual royalties to an eastern trust, over and above the cost of manufacture in the state printing office, is an unnecessary extravagance.

California can rightly boast of its educational facilities. Our schools, colleges, and universities are among the best in the country. But with all this we are behind other states in one most important point. Other states are enabling their children to attend the elementary grades by furnishing the necessary text-books. They have seen the wisdom of making it possible, at slight expense, for all children to take advantage of the more expensive educational system. Many states are given to boasting of their free schools, as do many of our other progressive states, and no school can be said to be a free school which does not furnish text-books free to the pupils in attendance. It is true that this state does furnish books free to indigents, but under such circumstances as to compel the non-attendance of many children whose parents, though poor, are proud to become the subjects of charity. The furnishing of free text-books in the common schools, with a not too frequent change, would mean a more general distribu-

California proposed by the legislature at its thirty-ninth session," etc., approved March 28, 1911, and pursuant to appointment of myself with Mr. Sutherland in relation to Assembly Constitutional Amendment No. 6, whereby I am requested to prepare the reasons advanced by the minority against the adoption of said Assembly Constitutional Amendment No. 6, I will give the following reasons, to wit:

The provisions of said amendment provide that "the commission shall be appointed by the governor from the state at large, provided that the legislature in its discretion may divide the state into districts for the purpose of such appointments, said districts to be as nearly equal in population as practicable."

This provision, if adopted by the people, will give the governor sole power of appoint- ing the railroad commission, with power to adjust rates and prescribe regulations of all matters within the power of the railroad commission and in which the railroads and the people are vitally interested. This proposed amendment will take away from the people the right to select this railroad commission, and place the appointing power in the governor alone, thus removing from the people a power which is of vital interest to them and which should not be delegated. If this power is exercised rightly and justly by the governor, it would protect the people in the selection of a just and capable commission; but, on the other hand, if the governor should be elected through the influ- ence of the railroad interests or should be under obligation to such interests for his election, and not be strong enough in character or determination to oppose such influ- ence, the railroad interests would thereby get control of the commission and fix their own rates and regulations regardless of any unjust discriminations against the rights of the people, and it would result in the people having no representation upon the com- mission whatever.

If the people have the selection of this commission by election, then they have direct control of this board. And if the recall be adopted by the people at the coming election, this board would be subject thereto and the commission placed under the direct control of the people.

G. R. FREEMAN, Member of Assembly, 78th District.

17. ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 25.

CHAPTER 51.—Assembly Constitutional Amendment No. 25. A resolution to propose to the people of the State of California an amendment to the constitution of the State of Cali- fornia by amending section 13 of article XX thereof, relating to the manner of electing officers of cities and the number of votes necessary to constitute a choice.

The legislature of the State of California at its regular session commencing the second day of January, in the year one thousand nine hundred and eleven, two thirds of all the members elected to each of the houses of said legislature voting in favor thereof hereby proposes that section 13 of article XX of the constitution of the State of California be amended so as to read as follows:

Section 13. A plurality of the votes given at any election shall constitute a choice where not otherwise directed in this constitution, provided that it shall be competent in all charters of cities, counties or cities and counties framed under the authority of this constitution to provide the manner in which their respective elective officers may be elected and to prescribe a higher proportion of the vote therefor, and provided also, that it shall be competent for the legislature by general law to provide the manner in which officers of municipalities organized or incorporated under general laws may be elected and to prescribe a higher proportion of the vote therefor.

Section 13 of article XX, proposed to be amended as above, now reads as follows: Sec. 13. A plurality of the votes given at any election shall constitute a choice, where not otherwise directed in this constitution.

ARGUMENT IN FAVOR OF THIS AMENDMENT BY ASSEMBLYMEN YOUNG AND GULL.

In discussing this proposed amendment to article XX, section 13, of the constitution, explanation only is probably needed, and not argument. The main purpose of the amendment is merely so to remove an ambiguity in the constitution as to define clearly the right of cities to employ the system of majority elections already provided for in their charters.

This section of the constitution at present reads as follows: "A plurality of votes given at any election shall constitute a choice, where not otherwise directed in this constitution." All of the proposed amendments which follow are new. The words "a higher proportion of the vote therefor" admit of no argument, however, take away the right of any city to include in its charter a "plurality" system, should it so desire. Despite the present constitutional provision, it would doubtless be undisputed that wherever possible it is wise that a "plurality" of all votes cast should elect officials rather than a "plurality," or the largest number of votes. For instance, if there are 100 votes cast for any office with five candidates for the same, a "majority," or 51 votes, is far more conclusive of the public desire than is a "plurality," which may be only 21 votes. The public sentiment on this matter is evidenced by the common phrases that "majority rules" or that "this is a government of majorities."

In a state-wide election, however, or in an election involving any considerable portion of the state, to insist that a candidate receive a "majority" is to insist upon a practical impossibility. If there are three parties with candidates, the "plurality" candidate may frequently fail of a "majority"; but the expense and trouble of another state-wide election is out of the question. Hence the provision of the present constitution that a "plurality" shall elect.

Moreover, when the present constitution was drafted, it was the usual situation that the only opposing candidates of considerable strength were members of the two "leading political parties." Hence in most cases the "plurality" candidate also received a "majority." Hence, also, the present constitutional provision for all elections by "plurality." And it is doubtless true that pluralities should still elect in state-wide or in partisan elections for the two reasons above given. In the government of cities, however, the situation is different. At the present time, in practically all the cities of the state, including the large cities of San Francisco, Los Angeles, and Oakland, the respective charters provide that city officials shall be elected on a strictly non-partisan basis. They generally further provide that of five possible candidates for mayor, for instance, the two receiving the highest vote at the "primary" shall be the only candidates for the regular election two or three weeks later, and accordingly the candidate elected will be selected by a "majority."

Moreover, the situation is complicated by the fact that in certain cities, such as San Francisco, Berkeley, Santa Cruz, Vallejo, and Modesto, to obviate the necessity of a second campaign, the charters provide that if the candidate for any office receives a "majority" at the first or primary election, it is a regular election so far as he is concerned, and he is declared elected; although a candidate for another office on the same ticket who received only a plurality must run against his leading opponent at the suc- ceeding election. Thus, this first election, though a final election for some candidates, is only a primary election for others. Charter makers have held that the provisions of the constitution giving to cities the right by charter to control their internal affairs carries with it the power to provide for a "majority" vote to elect, and does not conflict with the section of the constitution under discussion, which, as will be noted, provides for "plurality" vote only "where not otherwise directed in this constitution." However, there is undoubtedly a seeming discrepancy here, and it seems wise to adopt this amend- ment to remove any possible conflict, and to assure to chartered cities the absolute constitutionality of the present procedure of nearly every one of them, an instance of a "majority" vote to elect.

At the same time it appears wise to extend this right not only to cities governed by charters, but also to counties governed by charters, if Senate Constitutional Amendment No. 5, providing for county charters, should be adopted by the people. In that case any county which may choose to elect its officials on a non-partisan basis may, by its charter provide that "a higher proportion of the vote than a 'plurality' shall elect. But it must be remembered that no chartered city nor chartered county can adopt this provision unless its citizens voting on the charter so decree.

Finally, if "majority rule" is expedient in large chartered cities, it is even more expedient in small unchartered cities, where a second election is a very small expense. Moreover, the present direct partisan primary law which at present, unless evaded, applies to these smaller cities and towns, is a very cumbersome and expensive method of selecting candidates. Accordingly, after this amendment has been carried, the legislature will be able to give to these small unchartered cities and towns a thing that they very

res of last resort to sustain ver-
 rige of justice, or, putting it in
 the higher courts to grant the
 in errors. It is designed to meet
 pe justice through technicalities.
 to new trial shall be granted in a
 case (including the evidence) the
 necessity for this amendment lies
 in the courts of appeal and the
 in questions of law only. The
 t. In order to enable the higher
 the trial court resulted in a ris-
 w the facts of the particular case,
 proposed congressional enactment
 ically the same as our proposed
 to civil as well as criminal cases
 vorably upon such a bill. As was
 anisco, in a recent address, the
 the development of substantive
 h technicalities that it has grown
 efficient to enable him to employ
 there has grown up two systems
 e pauper prisoner is subjected to
 him incriminating evidence, while
 s, whose skill in barricading their
 with the fees secured.
 ig more than a referee. He exists
 unsel play the game according to
 comes to the advocate who is the
 ed with the cause; he has no time
 ally, during the course of a long
 When the appellate court at its
 out the error, the case is reversed.
 ses not so much on their actual
 d. The reversal of the just con-
 ts is the prime cause of want of
 ten results in mob violence on the
 n a peculiarly atrocious crime has
 own ability to cope with the situa-
 e a conviction on appeal, or delay
 lertent. In the English colonies
 been attracted from the hands of
 it was possible to convict an inno-
 s whether we can convict a guilty
 in the reversal of cases for imma-
 ples:
 er escaped conviction because the
 stead of charging according to the
 In a Texas case the elimination of
 derer from the gallows, when his
 e a conviction for murder was set
 he man killed was a human being.
 iminals is largely in excess of what
 is and reversals of the decisions of
 the record, due to the unnecessary
 ced to make against the people and
 omit error that can be made the
 e attorneys for the defense to "get
 a new trial or reversal on appeal.
 iminal cases, which draws the mind
 the proposed constitutional amend-
 the cause of frequent appeals. It
 s of the particular case unhampered
 not the accused was unjustly con-
 would be the object of investigation
 le impartially on points presented,
 rs not affecting the cause would be
 courts to reverse a case only when
 ens basis of appeal would be esta-
 nowing that one of the most fruitful
 been cut off, would hesitate before
 is checked, the number of appeals
 ases would be greatly lessened, the
 nty. Similar legislation has already
 ma-
 unanimously adopted by the California
 go far toward improving our system

BOYNTON, Senator, 6th District.

amendment, is designed to render it
 gments of our trial courts in criminal
 eet the ground of common complaint
 alities of the law. It will be noticed
 shall be granted in a criminal case
 cluding the evidence) the error has
 California in the past has been that
 ust be presumed to have been prej-
 rs not how guilty the party may be,
 exactly the same if the error had not

ly when the error itself results in a
 held in 21 Cal. 344 that it is a fatal
 bbery that the property taken is not
 e very word "robbery" itself conclu-
 sed set aside because the letter "n"
 " though it is probable that no per-
 as to the word intended. In 137 Cal.
 se the indictment failed to state that
) a conviction of murder was reversed
 had examined the wounds to testify
 n the fatal shot was fired. This was
 14 that "every error in the admission
 the central jury, the jury is the
 st wholly beyond the power of the
 e of a long and busy trial extending
 now and then in the thousand and
 the spur of the moment.
 ch inaccuracies, and compel decisions
 lar cases. The greatest injury arising
 versals, but it is the constant burden
 a technical rule above stated. Every
 at expense and generally ends in an
 er to save some justice for the people
 people and in favor of the accused.
 administration of the law by enabling
 the other, and in its fairness stop the
 re based on technicalities, and not on

state control has, however, justified itself in every state where it has been tested, notably in New York and Wisconsin, and as California conditions do not differ materially from those obtaining elsewhere it will inevitably justify itself here.

One of the most important of the economic reforms we deem this to be one of the most important amendments to be voted upon by the people, and we believe that it will be ratified.

LESTER G. BURNETT, State Senator, 25th District.
W. A. SUTHERLAND, Assemblyman 61st District.

Committee appointed under the law to present the argument in favor of Senate Constitutional Amendment No. 47.

REASONS WHY SENATE CONSTITUTIONAL AMENDMENT NO. 47 SHOULD NOT BE ADOPTED.

REASONS WHY SENATE CONSTITUTIONAL AMENDMENT NO. 47 SHOULD NOT
BE ADOPTED.

This amendment, it adopted by the people, will prove unsatisfactory and productive of much more evil than good. It comes palpably within the definition of "ill-considered legislation." The plan to put all public utility corporations under the control of a general state commission with plenary power to fix rates, to supervise and regulate such corporations, is freely conceded to be a wise one. This is demonstrated by the experience of other states working under like provisions.

The inquiry of the proposed amendment lies in the fact that it is a makeshift. It will lead to confusion, local dissension, repeated agitations and general dissatisfaction. It is a legal fraud on its face. It purports to be one thing, and it is another. It does not put all the utility corporations of this state under the control of the railroad commission. If the amendment is adopted some public utility corporations will come under the supervision of the railroad commission and some will not, but worse and more confusing and still more perplexing is the fact that in many instances public utility corporations will be half under the supervision and rate-making power of the railroad commission, and half under municipal control. The amendment, and admitting its viciousness voted to submit the argument in its present form, because the representatives of San Francisco and Los Angeles would not consent that the utility corporations of those two cities come under the supervision of the state commission. The whole scheme is to place the public service corporations of the country and smaller cities under the control of the railroad commission, while San Francisco and Los Angeles retain municipal control, with its attendant temptations to political intrigue and corporation interference in municipal matters, which sometimes unfortunately leads to bribery and graft. In every large city in the state street transportation lines are made subject, in part, to the control of the city limits. In such cases the lines within the city would be under municipal control, while the mileage outside of the city limits will be under the rate-making power and supervision of the railroad commission.

The city of San Diego furnishes a good illustration. The Consolidated Gas and Electric Light Company has, perhaps, 150 miles of electric mains and gas pipes outside of the city limits. These supply the suburban population, but constitute an integral part of the city plant. The lines in the city would, if this amendment is adopted, remain under the municipal control and rate-making power of the common council, while the suburban lines would be subject to the control and rate-making power of the state railroad commission. There would be one system, one company, and two boards of supervision and two rate-making powers. It does not require an expert to foresee the confusion that would result.

If the law is good for one city it is good for all. The legislature should have had the courage to submit the amendment to the people in its right form, and not with the makeshift and confusing provisions that it now contains. The voters should reject this amendment, and demand of the legislature at its next session an amendment which squarely and without equivocation places all public utility corporations in this state under the supervision of a commission of experts, in whom shall be vested the power to fix rates.

LEROY A. WRIGHT, 40th Senatorial District.

13. SENATE CONSTITUTIONAL AMENDMENT NO. 48.

CHAPTER 61.—Senate Constitutional Amendment No. 48. A resolution to propose to the people of the State of California an amendment to the constitution of the state, to amend section 8 1/2 of article XI relating to the powers conferred on municipal corporations by freeholders' charters.

The legislature of the State of California, at its regular session, commencing on the second day of January in the year one thousand nine hundred and eleven, two thirds of the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California, the following amendment to the constitution of the State of California so that section 8 1/2 of article XI of said constitution shall read as follows:

Section 8 1/2. It shall be competent, in all charters framed under the authority given in section eight of article eleven of this constitution, to provide, in addition to those provisions allowable by this constitution and by the laws of the state, as follows:

1. For the constitution, regulation, government, and jurisdiction of police courts, and for the manner in which, the times at which, and the terms for which the judges of such courts shall be elected or appointed, and for the qualifications and compensation of said judges and of their clerks and attachés.
2. For the manner in which, the times at which, and the terms for which the members of boards of education shall be elected or appointed, for their qualifications, compensation, and removal, and for the number which shall constitute any one of such boards.

3. For the manner in which, the times at which, and the terms for which the members of all boards of election shall be elected or appointed; and for the constitution, regulation, compensation, and government of such boards and of the municipal police force.

4. For the manner in which, and the times at which any municipal election shall be held and the result thereof determined; for the manner in which, the times at which, and the terms for which the members of all boards of election shall be elected or appointed, and for the constitution, regulation, compensation and government of such boards, and of their clerks and attachés, and for all expenses incident to the holding of any election.

Where a city and county government has been merged and consolidated into one municipal government, it shall also be competent, in any charter framed under said section eight of said article eleven, or by amendment thereto, to provide for the manner in which, the times at which and the terms for which the several county and municipal officers and employees whose compensation is paid by such city and county, excepting judges of the superior court, shall be elected or appointed, and for their recall and removal, and for the compensation, and for the number of deputies, clerks and other employees that each shall have, and for the compensation, method of appointment, qualifications, tenure of office and removal of such deputies, clerks and other employees. All provisions of any charter of any such consolidated city and county heretofore adopted, and amendments thereto which are in accordance herewith, are hereby confirmed and declared valid.

Section 8½ of article XI, proposed to be amended as above, now reads as follows:

Sec. 8½. It shall be competent, in any charter framed under the authority given by section eight of article XI of this constitution, to provide, in addition to those provisions allowable by this constitution and by the laws of the state, as follows:

1. For the constitution, regulation, compensation, and government of police courts, and of the manner in which, the times at which, and the terms for which the judges of such courts shall be elected or appointed, and for the compensation of said judges and of their clerks and attachés.
2. For the manner in which, the times at which, and the terms for which the members of boards of education shall be elected or appointed, and the number which shall constitute any one of such boards.
3. For the manner in which, the times at which, and the terms for which the members of the boards of police commissioners shall be elected or appointed; and for the constitution, regulation, compensation, and government of such boards and of the municipal police force.
4. For the manner in which, the times at which, and the terms for which the members of all boards of election shall be elected or appointed, and for the constitution, regulation, compensation, and government of such boards, and of their clerks and attachés; and for all expenses incident to the holding of any election.

Where a city and county government has been merged and consolidated into one municipal government, it shall also be competent in any charter framed under said section eight of said article XI, to provide for the manner in which, the times at which, and the terms for which the several county officers shall be elected or appointed, for their compensation, and for the number of deputies that each shall have, and for the compensation payable to each of such deputies.

REASONS WHY SENATE CONSTITUTIONAL AMENDMENT NO. 48 SHOULD BE ADOPTED.

This amendment was introduced by Senator Rahan at the request of Charles Wesley

This constitutional amendment, to be voted upon at the special election, provides no change in the present law except the insertion of the clause "without any change or alteration whatsoever which will require or necessitate the purchase of new books by such pupils." This is the only change proposed at this time, and the effect will be to make certain that no alterations in the text-books will compel the parents to make frequent and expensive purchases.

This proposed amendment is of particular interest to those who are called upon to purchase school books, and seeks to prevent any change in such books when once adopted more often than once in four years.

The constitution, after reciting the manner of adopting text-books, reads: "The text-books, so adopted, shall continue in use not less than four years."

The proposed amendment seeks to add, after the word "years" the following: "without any change or alteration whatsoever which will require or necessitate the purchase of new books by such pupils." This is the only change proposed, and the effect will be to make certain what is now uncertain and indefinite.

The constitution provides now that the state board of education shall compile, or cause to be compiled, and adopt a uniform series of text-books for use in the common schools, and after adoption to cause the same to be printed and published by the State Printer, and thereupon sold at cost. This provision became a part of our constitution on February 12, 1885. The section as written into the constitution when it was first ratified by the people on May 7, 1879, after providing for a method of adopting text-books, continued as follows: "The text-books so adopted shall continue in use for not less than four years."

The amendment of 1885 did not alter this language, nor did a subsequent minor

amendment ratified on November 6, 1874, do so. The constitution has therefore at all times since 1879 forbidden a change of text-books more frequently than once in four years.

In adopting the text-books to be used, the state board of education appoints one of its number, either the president of the State University, the professor of pedagogy therein, or the principal of one of the state normal schools, to constitute with the governor and state superintendent of public instruction a "State Text-Book Committee." This committee, subject to the approval of the state board of education, has power to revise and manufacture text-books, to purchase or hire book-plates of copyright matter, to contract for or to lease copyrights, and to provide for the payment of royalties. The committee also appoints a secretary, and when it deems it necessary assistants to aid it in its work. Until very shortly before the first of this year, this committee consisted of ex-Governor Gillett, Superintendent Hyatt, and Professor Van Liew, then principal of the Chico State Normal School. In view of the fact that the governor was ex officio a member of practically every board and commission in the state, and that it was manifestly impossible for him to perform even a small part of the duties entrusted upon him, and furthermore because Professor Van Liew was hindered in his duties as normal school principal at a point distant from the office of the text-book committee, it is fair to presume that the active duties of the committee devolved upon Superintendent Hyatt and the secretary. For that reason, the views entertained by Mr. Hyatt upon the question of frequent changes in text-books are important and pertinent. His report recently issued says: "There is a popular idea that the cost of school books is largely increased by frequent changes, but so far as the state text-books in California are concerned, it is a fallacy. * * * Moreover, it is only by changes or threatened changes that prices can be lowered. A policy of no change would be extravagant and unbusinesslike in the extreme."

One of three readers of classical texts for the state board in a published and printed statement advocates more frequent changes of text-books, and states that the average cost per pupil for school books is \$1.13. The tendency, therefore, of the "popular idea"—in other words, the belief of the people—is that there should be as frequent changes. There exists in California to-day much dissatisfaction among people who are compelled to buy school books, and many will challenge the assertion that the average cost per pupil is only \$1.13. The superintendent contends that frequent changes are not the cause of the increased expenditure required for school books; the people think otherwise. The author of this proposed amendment confesses that he shares the "popular idea." If frequent changes are the fault, it is necessary that this should be remedied and that it be made absolutely impossible for any change to be made within the restricted period. The present constitutional provision that "the text-books so adopted shall continue in use not less than four years" could be evaded by continuing in use the text-book adopted, but making changes in the text, slight in themselves, but yet sufficient to prevent further use of the old book, and requiring the use of new books. Thereby the book adopted would continue in use, but still new books would be necessary. The writer is making here no charge that this has been done. Yet, so long as the people believe that too frequent changes are responsible for the increased expenditure necessary for school books, and inasmuch as since 1879 the people, through the constitution, have declared against a change oftener than every four years, they have the undoubted right to make certain that their will is carried out.

For the use of copyrights, the state pays a royalty; that is, the company who owns the copyright or sells it to the state gets a certain price for every book sold; hence the more books sold, the greater amounts paid for royalty. For the two years ending June 30, 1910, the people of this state paid for school books \$325,000.00, and of this sum over \$75,000.00 went for royalties. For the last six years royalties amounting to over \$265,000.00 were paid by the parents of the school children of this state, to private companies. It is to these companies that the writer believes in the words of Superintendent Hyatt, that "a policy of no change would be extravagant and unbusinesslike in the extreme," and that to the people who buy school books it would be a benefit.

Every argument will be made to defeat this proposed amendment, and it devolves upon those who pay the royalties to use every endeavor to overcome the efforts of those who receive the royalties. It is unfortunate that the highest school official in the state should believe, against "the popular idea," that a "policy of no change would be extravagant." It is equally unfortunate that these views must necessarily arouse his opposition to this amendment, and to align him with those who from interest are opposed to "the popular idea." It is because of these things that this amendment will meet with violent opposition; not openly on the part of those who receive the royalties, but not the less effectively. The campaign for the amendment must be made by those who suffer by the present condition, and will benefit by a change, and the writer relies upon them to wage that campaign for its adoption which he would carry on, did time and other circumstances permit.

WALTER HILL (author), 6th Assembly District.

18. ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 6.

CHAPTER 53.—*Assembly Constitutional Amendment No. 6. A resolution proposing to the people of the State of California an amendment to section twenty-two of article twelve of the constitution of the State of California creating a railroad commission and defining its powers and duties.*

The legislature of the State of California, at its regular session, commencing on the second day of January, one thousand nine hundred and eleven, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the people of the State of California that section twenty-two of article twelve of the constitution of the State of California be amended so as to read as follows:

Section 22. There is hereby created a railroad commission which shall consist of five members and which shall be known as the railroad commission of the State of California. The members shall be appointed by the governor from the state at large; provided, that the legislature, in its discretion, may divide the state into districts for the purpose of such appointments, said districts to be as nearly equal in population as practicable; and provided further that the three commissioners in office at the time this section takes effect shall serve out the term for which they were elected, and that two additional commissioners shall be appointed by the governor immediately after the adoption of this section, to serve the term of the commissioners then in office, and that the term of office of each commissioner during the same term. Upon the expiration of said term, the term of office of each commissioner thereafter shall be six years, except the commissioners first appointed hereby under after such expiration one of whom shall be appointed to hold office until January 1, 1917, two until January 1, 1919, and two until January 1, 1921. Whenever a vacancy in the office of a commissioner shall occur, the governor shall forthwith appoint a qualified person to fill the vacancy.

Finally, if "majority rule" is expedient in large chartered cities, it is even more expedient in small unchartered cities, where a second election is a very small expense. Moreover, the present direct partisan primary law which at present, unless evaded, applies to these smaller cities and towns, is a very cumbersome and expensive method of selecting candidates. Accordingly, after this amendment has carried, the legislature will be able to give to these small unchartered cities and towns a thing that they very much stand in need of—a general municipal election law, applying only to cities without charters, and providing a method of election, including, among other things, a provision for "majority" vote to elect.

In a word, this amendment should unanimously carry for three following reasons, if for no others:

- (1) A government by majorities is the true American principle where possible to carry it out, and it is possible in the minor political subdivisions.
- (2) A non-partisan government, such as all cities are now adopting, frequently brings to the front many candidates, and the one receiving only a plurality might easily be far from satisfying the majority of voters.
- (3) This system of election by majority is now the procedure in almost all of our cities, and this amendment will merely remove any possible conflict as to this right, as set forth in different sections of the constitution.

C. C. YOUNG, Assemblyman, 52d District.
J. H. GUILL, JR., Assemblyman, 7th District.

18. ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 26.

CHAPTER 56.—Assembly Constitutional Amendment No. 25. A resolution to propose to the people of the State of California an amendment to the constitution of the state, by amending sections 1, 5, 11 and 15 of article VI thereof, relating to the judiciary and giving the legislature power to create inferior courts.

The legislature of the State of California, at its regular session, commencing on the second day of January, nineteen hundred and eleven, two thirds of all the members elected to each of the houses of said legislature, voting in favor thereof, hereby proposes that sections one, five, eleven, and fifteen of article six of the constitution of said state be amended so as to read as follows:

Section 1. The judicial power of the state shall be vested in the senate, sitting as a

Sec. 5. The superior court shall have original jurisdiction in all cases in equity, and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand, exclusive of interest or the value of the property in controversy amounts to three hundred dollars, and in all criminal cases amounting to felony, and cases of misdemeanor not otherwise provided for; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate; of divorce and for annulment of marriage; and of all such special cases and proceedings as are not otherwise provided for, and said courts shall have the power of naturalization, and of issuing writs therefor. They shall have appellate jurisdiction in such cases as exist in inferior courts in their respective counties as may be prescribed by law. They shall be always open (legal holidays and non-judicial days excepted), and their process shall extend to all parts of the state: provided, that all actions for the recovery of the possession of, quieting the title to, or for the enforcement of liens upon real estate shall be commenced in the county in which the real estate, or any part thereof, affected by such action or actions, is situated. Said courts, and their judges, shall have power to issue writs of mandamus, certiorari, prohibition, quo warrant, and habeas corpus, on petition by or on behalf of any person in actual custody, in their respective counties. Injunctions and writs of prohibition may be issued and served on legal holidays and non-judicial days.

Sec. 11. The legislature shall determine the number of each of the inferior courts in Incorporated cities or towns, and in townships, counties, or cities and counties, according to the population thereof and the number of judges or justices thereof, and shall fix by law the powers, duties and responsibilities of each of such courts and of the judges or justices thereof; provided, such powers shall not in any case, trench upon the jurisdiction of the several courts of this state, except that the legislature may provide that said courts shall have concurrent jurisdiction with the several courts in cases of forcible detainer, where the rental value does not exceed twenty-five dollars per month, and where the whole amount of damages claimed does not exceed two hundred dollars, and in cases to enforce and foreclose liens on personal property when neither the amount of liens nor the value of the property amounts to three hundred dollars.

Sec. 15. No judicial officer, except court commissioners, shall receive to his own use any fees or perquisites of office; provided, that justices of the peace now holding office shall receive to their own use such fees as are now allowed by law during the terms for which they have been elected.

Sections 1, 5, 11, 15 of article VI, proposed to be amended as above, now read as follows:
SECTION 1. The judicial power of the state shall be vested in the senate, sitting as a court of impeachment, in a supreme court, district courts of appeal, superior courts, justices of the peace, and such inferior courts as the legislature may establish in any incorporated city or town, or city and county.

city or town. Sec. 5. The superior court shall have original jurisdiction in all cases in equity, and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand is exclusive of interest or the value of the property in controversy, amounts to three hundred dollars, and in all criminal cases amounting to felony, and cases of misdemeanor not otherwise provided for: of actions of forcible entry and detainer: of proceedings in insolvency: of actions to prevent or abate a nuisance: of all matters of probate: of divorce and for annulment of marriage, and of all such special cases and proceedings as are not otherwise provided for. And said court shall have the power of naturalization, and to issue papers therefor. They shall have appellate jurisdiction in such cases arising in justices' and other inferior courts in their respective counties as may be prescribed by law. They shall be always open (legal holidays and non-judicial days excepted), and their process shall extend to all parts of the state; *provided*, that all actions for the recovery of the possession of, quieting the title to, or for the enforcement of liens upon real estate, shall be commenced in the county in which the real estate, or any part thereof affected by such action or actions, is situated. Said courts, and their judges, shall have power to issue writs of mandamus, certiorari, prohibition, quo warranto, and habeas corpus, on petition by or on behalf of any person in actual custody in their respective counties. Injunctions and writs of prohibition may be issued and served on legal holidays and non-judicial days.

Sec. 11. The legislature shall determine the number of justices of the peace to be elected in townships, incorporated cities and towns, or cities and counties, and shall fix by law the powers, duties, and responsibilities of justices of the peace; provided, such powers, shall not in any case trench upon the jurisdiction of the several courts of record, except that the legislature shall confer jurisdiction with the superior courts in cases of forcible entry and detainer, where the amount does not exceed twenty-five dollars per month, and where the whole amount of damages claimed does not exceed two hundred dollars, and in cases to enforce and foreclose liens on personal property when neither the amount of the liens nor the value of the property amounts to three hundred dollars.

Sec. 15. No judicial officer, except justices of the peace and court commissioners, shall receive to his own use any fees or perquisites of office.

REASONS WHY ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 28 SHOULD BE ADOPTED.

At the present time the office of justice of the peace is a constitutional office, and the legislature has no power to substitute any other court for the justice's court, no matter how much less expensive or more efficient such other court might be. The purpose of Assembly Constitutional Amendment No. 26 is to change this condition by making the office of justice of the peace statutory only, so that the legislature may, if desirable, create other courts to take the place of the justice's court. For many years, and in all parts of the state, our system of inferior courts has been criticised on the ground of its inefficiency and its expensiveness. In a great majority of townships there is no lawyer who is willing to accept the office of justice of the peace, and the great majority of justices are, therefore, men without education in the law. The result of this is that civil cases tried in these courts are appealed to the superior court and the litigants, instead of saving money by having a local inferior court, are put to the expense of a double trial. If the judges of the inferior courts were trained in the law, there would be fewer appeals and litigants would save both time and money.

REASONS WHY SENATE CONSTITUTIONAL AMENDMENT NO. 23 SHOULD BE ADOPTED.

The approval by the electors of Senate Constitutional Amendment No. 23, conferring upon the people the right to recall any elective officer of the state, is an essential step in the movement to place the government in the hands of its people.

Its provisions. By its provisions it enables about 46,000 voters (12 per cent of the vote cast at the last election for governor) to require a public servant, who has held his office at least six months and whose stewardship is questioned by them, to submit the question of his continuance in office to a vote of the electors.

If a majority of all voting at the election say that their servant is unfit to serve them longer, he is thereupon recalled. Unless a majority shall vote for his recall he remains in office. A 20 per cent petition is required to institute recall proceedings against a state officer elected from a district of the state.

Its purpose. This recall amendment is intended to introduce into public life, what is recognized as indispensable in private and business life, viz.: The power to remove a dishonest, incapable, or unsatisfactory servant. No private partnership or corporate employer could conduct his or its business successfully without this right of recall. Why then should not the public whose business is vastly more important than private enterprise be permitted to possess this power for its protection if occasion should require?

Very few persons question the wisdom of the power of recall over executive and legislative officers. But as to the judiciary, its wisdom and expediency is questioned by some, upon the ground that judges should be free, fearless, and independent and beyond the power or influence of the public will.

Judiciary, branch of government. The judiciary is but an agency of government created by the people for their service, and if its members fail to serve this purpose and prove dishonest, incapable, or unsatisfactory in their duties or to the rights of the people, the people should have the power to remove them. Indeed, if the people have this power, then the judges are no longer the servants of the people, but their masters. The people now elect the judges, in the first instance, without any knowledge of their fitness or capacity; why should they not have the power to remove them after they have been tried and found wanting? In fact, every reelection of a judge is in the nature of a recall.

Judges legislate. It is freely admitted that legislators should be subject to the power of the recall. But judges, especially those of the supreme court, by construing the acts of the legislature, interpreting their provisions and declaring the meaning and scope thereof, perform acts of legislation as truly as does the legislature. In fact, when the vast number of such constructions and interpretations, to be found in the reports, are taken into account it will be seen that a very material part of the legislation of the state and nation finds its origin in the courts. In addition, no laws passed by the legislature can operate if not sanctioned by the courts. In truth, so overshadowing is the control of the judiciary over legislation that it is almost a misnomer to speak of the legislature as the law-making branch of the government. For the power to interpret is the power to amend. The power to construe is the power to construct. Therefore, if legislators shall be recalled for enacting bad laws, shall not also the judicial legislators be recalled for making bad law through improper or corrupt decisions?

People supreme. The people are the source of all power. All government is their creation. Constitutions and laws are also their creation. All are but a means to an end. That end is to preserve liberty and to protect life, person, and property. The preamble to the federal constitution declares, "We, the people of the United States . . . do ordain and establish this constitution"; while our state constitution says: "Sec. 2, Art. 1. All political power is inherent in the people." But when a supreme court has spoken what redress has the people? None. However wrongful, however violative of public rights the decision may be, the people are powerless. Witness the income tax case rendered sixteen years ago. The court has supreme power, not the people.

Government divided into departments. Our government is divided into three coordinate branches: Executive, legislative, and judicial. The federal constitution says, "Sec. 1, Art. 1. All legislative powers herein granted shall be vested in a congress of the United States which shall consist of a senate and house of representatives."

Our state constitution says: "Sec. 1, Art. 4. The legislative power of this state shall be vested in a senate and assembly which shall be designated the legislature of the State of California."

Nothing in either section granting legislative powers to the courts. But so complete has become the control of the judiciary as to what shall be the law that no lawyer will with certainty declare what a statute means until the supreme court has construed, interpreted, amplified, or actually repealed the same by declaring it void. And this power to override the legislative or executive branches of government may be, in fact, in nearly all cases, exercised by a divided court; for example, in the income tax case, five justices decided the case, thus overruling the other four members of the court, overruling former decisions of the court, overruling the congress which had passed the act, and the president, who had approved it. Indeed, it may be said that the one justice who cast the deciding vote, did all these things alone. And this is the branch of government that stands superior to the people.

Courts usurp. To prove the power and disposition of the courts to usurp legislative powers, it is but necessary to cite the recent decision by the supreme court of the United States in the Standard Oil case where Justice Harlan in his dissenting opinion says: "Now, this court is asked to do that which it has distinctly declared it could not and would not do, and has now done what it then said it could not constitutionally do. It has by mere interpretation modified the act of congress and deprived it of practical value as a defensive measure against the evils to be remedied."

Again he says: "It remains for me to refer, more fully than I have heretofore done, to another, and in my judgment—if we look to the future—the most important aspect of this case. That aspect concerns the usurpation by the judicial branch of the government of the functions of the legislative department. The illustrious men who laid the foundations of our institutions deemed no part of the national constitution of more consequence more essential to the permanency of our form of government than the provisions under which were distributed the powers of government among three separate, equal and co-ordinate departments—legislative, executive, and judicial."

Again, "Nevertheless, if I do not misapprehend its opinion, the court has now read into the act of congress words which are not to be found there, and has thereby done that which it adjudged in 1896 and 1898 could not be done without violating the constitution."

Again, "After many years of public service at the national capital, and after a somewhat close observation of the conduct of public affairs I am impelled to say that there is abroad in our land a most harmful tendency to bring about the amending of constitutions and legislative enactments by means alone of judicial construction. As a public policy has been declared by the legislative department in respect of interstate commerce, over which congress has entire control, under the constitution, all concerned must patiently submit to what has been lawfully done, until the people of the United States—the source of all national power, shall, in their own time, upon reflection and through the legislative department of the government, require a change of that policy."

Initiative and referendum powerless. The people will doubtless adopt Senate Constitutional Amendment No. 22 giving themselves the initiative and the referendum, but if the courts retain the power unchecked to undo their effect these powers will be rendered valueless.

Courts must be respected. Respect for the courts must be maintained. But the courts must also respect the rights of the people by upholding human rights, even though it be necessary to set such rights above property rights, for in the end human rights must stand superior to all others. Judges are but human. They do not become more than human when elevated to the bench. The ermine may conceal, but it does not obliterate, the frailties or vices of the wearer. The recall will not make the strong judge weak, nor the weak judge strong. Nor will it swerve the honest and courageous judge one jot or tittle from his true and proper course. It will not terrorize our courts.

Impeachment useless. Impeachment is wholly ineffective, as has been shown by the experience of this state, only one judge ever having been removed, though several attempts have been made under most trying cases.

Recall now in the constitution. A legislative recall (in addition to impeachment) has been in our constitution since 1879, for by Sec. 10 of Art. VI it is provided, "Justices of the supreme court and of the district court of appeal, and judges of the superior courts may be removed by concurrent resolutions of both houses of the legislature." Similar provisions are found in the statutes and constitutions of at least twenty-five other states, while Massachusetts has had the following in her constitution since its adoption in 1780: "Subd. 1, Art. V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government vested with authority, whether legislative, executive, or judicial, are their substitutes and agents and are at all times accountable to them."

"Subd. 1, Art. VIII. In order to prevent those who are vested with authority from becoming oppressors, the people have the right, at such periods and in such manner as they shall establish by their form of government, to remove their public officers to return

The proposed constitutional amendment was unanimously adopted by the California legislature. If it is adopted by the people it will go far toward improving our system of criminal procedure.

A. E. BOYNTON, Senator, 6th District.

This amendment, commonly called the Boynton amendment, is designed to render it impossible for the higher courts to reverse the judgments of our trial courts in criminal cases for unimportant errors. It is designed to meet the ground of common complaint that criminals escape justice through the technicalities of the law. It will be noticed that the amendment provides that no new trial shall be granted in a criminal case unless on an examination of the entire case (including the evidence) the error has resulted in a miscarriage of justice. The rule in California in the past has been that an error, committed in the course of the trial, must be presumed to have been prejudicial and a new trial must be granted. It matters not how guilty the party may be, and oftentimes when the result would have been exactly the same if the error had not been committed.

This amendment would permit a new trial only when the error itself results in a miscarriage of justice. The supreme court has held in 21 Cal. 344 that it is a fatal omission to fail to state in an indictment for robbery that the property taken is not the property of the person charged, although the very word "robbery" itself conclusively implies this. In 56 Cal. 406 a conviction was set aside because the letter "n" was accidentally omitted from the word "robbery," though it is probable that the person in the wide world would have had any doubt as to the word intended. In 137 Cal. 590 a conviction for murder was set aside because the indictment failed to state that the man killed was a human being. In 62 Cal. 309 a conviction of murder was reversed because the trial court permitted a surgeon who had examined the wounds to testify as to the probable position of the deceased when the fatal shot was fired. This was in line with the doctrine announced in 47 Cal. 114 that "every error in the admission of testimony is fatal unless it be highly probable that the contrary result would be reached by a jury of long experience declare that it is almost wholly beyond human skill, for the most able and conscientious judge, in the course of a long and busy trial extending over days or weeks, to avoid trifling inaccuracies now and then in the thousand and one rulings that they are compelled to make on the spur of the moment."

The object of the amendment is to cure all such inaccuracies, and compel decisions in accord with the actual justice of each particular case. The greatest injury arising from the present system is not the technical reversals, but it is the constant burden under which trial courts labor, by reason of the technical rule above stated. Every judge knows that a new trial always means great expense and generally ends in an acquittal. They are, therefore, compelled, in order to save some justice for the people, to rule almost every point unfairly against the people and in favor of the accused. This amendment would be a great help in the administration of the law by enabling judges to rule as freely in behalf of one side as the other, and in its fairness stop the growing impression that our judicial decisions are based on technicalities, and not on justice.

E. S. BIRDSALL, Senator, 3d District.

10. SENATE CONSTITUTIONAL AMENDMENT NO. 32.

CHAPTER 66.—Senate Constitutional Amendment No. 32. A resolution to propose to the people of the State of California an amendment to the constitution of the State of California, by adding to article XX a new section to be numbered section 21, relating to compensation for industrial accidents.

The legislature of the State of California at its regular session commencing the second of January, 1911, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to the constitution of the State of California.

Article XX is hereby amended by adding a new section to be numbered section 21 and to read as follows:

Section 21. The legislature may by appropriate legislation create and enforce a liability on the part of all employers to compensate their employees for any injury incurred by the said employees in the course of their employment irrespective of the fault of either party. The legislature may provide for the settlement of any disputes arising under the legislation contemplated by this section, by arbitration, or by an industrial accident board, by the courts, or by either any or all of these agencies, anything in this constitution to the contrary notwithstanding.

REASONS WHY SENATE CONSTITUTIONAL AMENDMENT NO. 32 SHOULD BE ADOPTED.

The above proposed constitutional amendment adds a new section to article twenty of the constitution, and is intended to empower the legislature to pass laws for the settlement of accident cases on a compulsory compensation scheme, regardless of the fault of either party as against the present existing law for settling disputes in courts. At present the method of adjusting accidents where no compromise is reached by the parties, is by an expensive, hazardous, unsatisfactory lawsuit, which creates friction and ill feeling between employers and employees and ends with no satisfactory result to either party. The proposed constitutional amendment is to pave the way for laws leading to a rapid, scientific and satisfactory settlement of accident cases out of court, and with a little friction and expense, and with the most productive results possible. Economists, jurists, moralists, employers and employees all frankly admit that the present plan of litigation is economically unsatisfactory and bad to both the employer and the employee, and morally unfair and harsh to the latter, as he is compelled to bear the entire financial and physical shock and cost of accidents. Therefore the necessity for change to a compensation system is not a matter of controversy, but is an admitted fact.

Statistics show that from 1894 to 1905 the employers of this country paid to accident insurance companies in round numbers about \$18,000,000 in premiums for accident insurances; 43 per cent of this sum was paid out by the various companies upon compensations and judgments, and 30 per cent of the above sum finally reached the injured men, showing that the expenses of this system of compensation consumed 70 per cent of the \$18,000,000, while but 20 per cent of it went towards compensation for injuries. It has been conservatively estimated that the above sum of \$18,000,000 would have paid a reasonable compensation for all the accidents which happened during that entire period in all of the industries carrying that insurance; therefore if a less wasteful method of compensation had been employed the injured men would have been reasonably compensated for their loss and suffering, and the employers would not have spent a single cent more than they did for industrial accident insurance. It is safe to say that every employer would have far preferred to see this money go to their injured men than to the insurance companies.

The above proposed amendment seeks to make the risk of accidents so certain and definite that the employee is always compensated—except in case of wilful conduct—and the employer can scientifically add the cost of his accidents to the costs of production and carry it on to the consumer to be thereby ultimately borne by society. The loss by accidents is to be counted the same as loss through depreciation of machinery or breakages or insurance against fire, all of which are now carried as standard expenses of production by every industry.

The present law prohibits any compulsory scheme for compensation for accidents out of court by arbitration, industrial accident boards, etc., as it is construed by courts to be a taking of property "without due process of law." The recent employers' liability act was made elective to avoid this constitutional objection. The proposed amendment is intended to remove this constitutional prohibition and will empower the legislature to enact a compensation law that may be compulsory on all employers. This is the sole object of the proposed amendment. By reducing the range of compensation to certain amounts by abolishing the risky jury verdict, by a settlement without the long delays and great expense of court litigation, by providing for immediate pecuniary relief to the injured, a compulsory workmen's compensation law which may be enacted by the legislature—if this amendment is adopted—would be a great economic and moral gain to both the employers and the employees of this state. It is a line of reform which is being urgently demanded by all classes and rapidly adopted by the federal government and numerous states, after thorough and scientific investigation, hearings, and reports, and will be one of the most progressive reform measures ever adopted in this state. It will pave the way for ultimate state insurances against industrial accidents—a thing to be greatly desired. It is earnestly hoped that the amendment will pass by a large majority.

LOUIS H. ROSEBERRY, Senator, 33d District.

This proposed amendment, if adopted at the coming election October 10, 1911, will add a new section 21 to article XX of the state constitution, to read as follows: "The legislature may by appropriate legislation create and enforce a liability on the part of all employers to compensate their employees for any injury incurred by the said

2. For the manner in which, the times at which, and the terms for which the members of boards of education shall be elected or appointed, for their qualifications, compensation and removal, and for the number of deputies, clerks and other employees that each shall have, and for the compensation method of appointment, qualifications, tenure of office and removal of such deputies, clerks and other employees. All provisions of any charter of any such consolidated city and county heretofore adopted, and amendments thereto, which are in accordance herewith, are hereby confirmed and declared valid.

Where a city and county government has been merged and consolidated into one municipal government, it shall also be competent, in any charter framed under said section eight of said article eleven, or by amendment thereto, to provide for the manner in which, the times at which and the terms for which the several county and municipal officers and employees whose compensation is paid by such city and county, excepting judges of the superior court, shall be elected or appointed, and for their recall and removal, and for their compensation, and for the number of deputies, clerks and other employees that each shall have, and for the compensation method of appointment, qualifications, tenure of office and removal of such deputies, clerks and other employees. All provisions of any charter of any such consolidated city and county heretofore adopted, and amendments thereto, which are in accordance herewith, are hereby confirmed and declared valid.

Section 81 of article XI, proposed to be amended as above, now reads as follows: SEC. 81. It shall be competent, in all charters framed under the authority given by section eight of article XI of this constitution, to provide, in addition to those provisions allowable by this constitution and by the laws of the state, as follows: 1. For the constitution, regulation, compensation, and government of police courts, and for the manner in which, the times at which, and the terms for which the judges of such courts shall be elected or appointed, and for the compensation of said judges and of their clerks and attaches.

2. For the manner in which, the times at which, and the terms for which the members of boards of education shall be elected or appointed, and the number which shall constitute any one of such boards.

3. For the manner in which, the times at which, and the terms for which the members of the boards of police commissioners shall be elected or appointed; and for the constitution, regulation, compensation, and government of such boards and of the municipal police force.

4. For the manner in which, the times at which, and the terms for which the members of all boards of election shall be elected or appointed, and for the constitution, regulation, compensation, and government of such boards, and of their clerks and attaches; and for all expenses incident to the holding of any election.

Where a city and county government has been merged and consolidated into one municipal government, it shall also be competent in any charter framed under said section eight of said article XI, to provide for the manner in which, the times at which, and the terms for which the several county officers shall be elected or appointed, for their compensation, and for the number of deputies that each shall have, and for the compensation payable to each of such deputies.

REASONS WHY SENATE CONSTITUTIONAL AMENDMENT NO. 48 SHOULD BE ADOPTED.

This amendment was introduced by Senator Beban at the request of Charles Wesley Reed, an attorney of this city. After its introduction certain changes in the proposed amendment were submitted by me and incorporated therein. The argument favoring the adoption of this amendment is based upon the following facts:

In subdivision 1 the words "for the qualifications" are added to enable municipal charters to provide qualifications for police judges which may be deemed necessary on account of the particular duties they perform in the enforcement of municipal ordinances and regulations.

In subdivision 2 the words "for their qualifications, compensation and removal" are added for the purpose of permitting municipal charters to prescribe qualifications for members of city boards of education in addition to those prescribed by general laws. Also to permit such municipalities to fix the compensation of the members of municipal boards of education, which compensation is a charge upon the city. The word "removal" is added to eliminate the contention that a member of the city board of education, being a part of the state school system, is a state and not a municipal officer and that such member can therefore be removed from office only in accordance with the provisions of the state law. This question was recently raised in the attempted removal of our local board of education, and the superior court held that the provisions of the charter authorizing the mayor to remove all appointive officers did not apply to members of the board of education for the reasons above stated.

In subdivision 4 the words "for the manner in which and the times at which any municipal election shall be held and the result thereof determined" are added for the purpose of making the municipal elections a purely municipal affair and for the further purpose of validating the provisions of municipal charters adopting the so-called commission form of government, with initiative, referendum and recall provisions, together with a majority vote rule, such as now exists in this city, Los Angeles, Oakland, Berkeley, and I believe, in a great many other small cities of the state.

In the last paragraph the words "and municipal officers and employees whose compensation is paid by such city and county excepting judges of the superior court" are added for the purpose of making the election, term of office, and compensation of all officers or employees whose compensation is paid by a consolidated city and county, a purely municipal affair irrespective of the provisions of the state law regarding either the appointment, term or compensation of such officers. The only exception is as to judges of the superior court, who, of course, do not come within the classification of either county or municipal officers. The exception, however, is put in for the purpose of eliminating any contention that such officers as probate officers, superintendent of schools, school teachers, or others connected with the school department are not subject to the provisions of the charter.

The words "and for their recall and removal and" need no explanation. The words "clerks and other employees" are added for the purpose of eliminating the contention that the provisions of the charter referring to the appointees of city and county officers apply only to such as are designated "deputies" and not to those that are merely clerks or employees. The words "method of appointment, classification, and tenure of office" are added for the purpose of authorizing municipal charters to apply the so-called civil service or merit system of appointment and removal to all deputies, clerks, and employees of the consolidated city and county, whether they be deputies or employees of a county or city officer, and thus avoid the prohibition contained in section 16 of article XX of the constitution against any term of office exceeding four years unless otherwise provided for by the amendment.

The final clause of the amendment "all provisions of any charter of any such consolidated city and county heretofore adopted and amendments thereto which are in accordance herewith are hereby confirmed and declared valid" are added for the purpose of validating and confirming all charters which have heretofore been adopted containing any of the provisions above discussed. That is to say, to validate and confirm all of the recent amendments and new charters containing initiative, referendum and recall provisions, as well as such charters as now provide for the civil service system of the officers and employees. This last, of course, applies only to the city and county of San Francisco, it being the only consolidated city and county.

JOHN W. STETSON, Senator, 15th District.

14. SENATE CONSTITUTIONAL AMENDMENT NO. 49.

CHAPTER 67.—Senate Constitutional Amendment No. 49. A resolution to propose to the people of the State of California an amendment to the constitution of the State of California by amending section 19 of article XI relating to public utilities.

The legislature of the State of California, at its regular session, commencing on the 2nd day of January, in the year one thousand nine hundred and eleven, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to the constitution of the State of California so that section 19 of article XI of said constitution shall read as follows:

Section 19. Any municipal corporation may establish and operate public works for supplying its inhabitants with light, water, power, heat, transportation, telephone service or other means of communication. Such works may be acquired by original construction or by the purchase of existing works, including their franchises, or both. Persons or corporations may establish and operate works for supplying the inhabitants with such services

increase the book adopted would cost the publisher making here no charge. The publisher believes that too frequent change necessary for school books, and its situation, have declared against the use of copyrighted books. For the use of copyrighted books the copyright or sells it to the state the more books sold, the greater the June 30, 1910, the people of this state over \$75,000.00 went for royalties. \$265,000.00 were paid by the parent companies. It is to these companies that Hyatt that "a policy of no change extreme," and that to the people who upon whom who pay the royalties to who receive the royalties. It is und should believe, against "the popular gant." It is equally unfortunate tition to this amendment, and to all violent opposition. It is because o the less effectively. The campaign suffer by the present condition, and them to wage that campaign for it other circumstances permit.

16. ASSEMBLY CON

CHAPTER 53.—Assembly Constitution of the people of the State of California a of the constitution of the State of its powers and duties.

The legislature of the State of C second day of January, one thousand bers elected to each of the two hous proposes to the people of the State of the constitution of the State of Calif

Section 22. There is hereby creat members and which shall be known The commission shall be appointed b the legislature, in its districts, may appointments, said districts, to be provided further that the three commis shall serve out the term for which the shall be appointed by the governor l office during the same term. Upon commissioner thereafter shall be six under after such expiration, one of v 1917, two until January 1, 1919, and the office of commissioner shall occur son to fill the same for the unexpired shall, at the beginning of the term, fill vacancies, shall, immediately up offices. The legislature shall fix the the salaries of the commissioners, t by law. The legislature shall have t to each house, to remove any one or of duty or corruption or incompetenc of this state, and no person in the e firm of corporation, which said pers railroad commission and no person s in any manner pecuniary interest railroad commissioner. No vacanc) maining commissioners to exercise a ity of the commissioners when in e commission; but any investigation, l undertake or to hold may be undert for the purpose by the commission, i pursuant to such inquiry, investig commission ordered filed in its offi

Said commission shall have the p tion of passengers and freight by railroad or other transportation co greater or less or different compens or for any service in connection t rates, established by said commissi filed in such tariff. The commissi records and papers of all railroad a mine complaints against railroad a and all necessary process and send of the commissioners shall have th ish for contempt in the same man commission may prescribe a unifor other transportation companies.

No provision of this constitution of the legislature to confer upon t kind of different from those confer conferred upon the railroad commissi legislature to confer such additional l ited by any provision of this consti

The provisions of this section sh existing law not inconsistent herer approved February 10, 1911, shall l vision and any other constitutiona And the said act shall have the s after the adoption of this provision concurrently herewith, except that held and construed to be the five co

Section 22 of article XII, propos Sec. 22. The state shall be divid practicable, in each of which one electors thereof at the regular gube and whose term of office shall be fo day of January next succeeding the of this state and of the district fro any railroad corporation, or other attorney or employe; and the act o act of said commission. Said com duty, to establish rates of charge railroad or other transportation co such changes as they may make; t and other transportation companie subengans and all other necessary r roads and other transportation co

boards, take testimony, and punish manner and to the same extent as abuses through the medium of a system of accounts to be kept by a poration or transportation company shall be established by such commi fall to keep their accounts in acco shall be fined not exceeding twent agent, or employe of any such corp in excess thereof, or who shall in a fined not exceeding five thousand the year. In all controversies aris by said commission shall be deem

...mon basis of appeal would be estab-
...law has been con- would hesitate before
ould thus be checked, the number of appeals
rying cases would be greatly lessened, the
ertainty. Similar legislation has already
Oklahoma.
was unanimously adopted by the California
it will go far toward improving our system
A. E. BOYNTON, Senator, 6th District.
...ntion amendment, is designed to render it
he judgments of our trial courts in criminal
d to meet the ground of common complaint
technicalities of the law. It will be noticed
trial shall be granted in a criminal case
se (including the evidence) the error has
ile in California in the past has been that
ile must be presumed to have been prej-
matters not how guilty the party may be,
been exactly the same if the error had not
...al only when the error itself results in a
...ry held in 21 Cal. 344 that it is a fatal
robbery that the property taken is not
gh the very word "robbery" itself, con-
clusion was set aside because the letter "n"
arceny," though it is probable that per-
doubt as to the word intended. In 137 Cal.
because the indictment failed to state that
al. 309 a conviction of murder was reversed
who had examined the wounds to testify
when the fatal shot was fired. This was
Cal. 114 that "every error in the admission
...almost wholly beyond human skill; for
the course of a long and busy trial extending
practices now and then in the thousand and
ke on the spur of the moment.
all such inaccuracies, and compel decisions
...reversals, but it is the constant burden
the technical rule above stated. Every
is great expense and generally ends in an
n order to save some justice for the people,
the people and in favor of the accused.
the administration of the law by enabling
le as the other, and in its fairness stop the
ons are based on technicalities, and not on
E. S. BIRDSALL, Senator, 3d District.

tion shall read as follows:
Section 8 1/2. It shall be competent, in all charters framed under the authority given by
section eight of article eleven of this constitution, to provide in addition to those provisions
allowable by this constitution and by the laws of the state, as follows:
1. For the constitution, regulation, government, and jurisdiction of police courts, and
for the manner in which, the times at which, and the terms for which the judges of such
courts shall be elected or appointed, and for the qualifications and compensation of said
judges and of their clerks and attachés.
2. For the manner in which, the times at which, and the terms for which the members
of boards of education shall be elected or appointed, for their qualifications, compensation
and removal, and for the number which shall constitute any one of such boards.
3. For the manner in which, the times at which, and the terms for which the members
of the boards of police commissioners shall be elected or appointed; and for the constitu-
tion, regulation, compensation, and government of such boards and of the municipal police
force.
4. For the manner in which and the times at which any municipal election shall be held
and the result thereof determined; for the manner in which, the times at which, and the
terms for which the members of all boards of election shall be elected or appointed, and
for the constitution, regulation, compensation and government of such boards, and of
their clerks and attachés; and for all expenses incident to the holding of any election.
Where a city and county government has been merged and consolidated into one munici-
pal government, it shall also be competent, in any charter framed under said section eight
of said article eleven, or by amendment thereto, to provide for the manner in which, the
times at which, and the terms for which the several county and municipal officers and
employees whose compensation is paid by such city and county, excepting judges of the
superior court, shall be elected or appointed, and for their recall and removal, and for their
compensation, and for the number of deputies, clerks and other employees that each shall
have, and for the compensation, method of appointment, qualifications, tenure of office
and removal of such deputies, clerks and other employees. All provisions of any charter
of any such consolidated city and county heretofore adopted, and amendments thereto,
which are in accordance herewith, are hereby confirmed and declared valid.
Section 8 1/2 of article XI, proposed to be amended as above, now reads as follows:
Sec. 8 1/2. It shall be competent, in all charters framed under the authority given by sec-
tion eight of article XI of this constitution, to provide, in addition to those provisions
allowable by this constitution and by the laws of the state, as follows:
1. For the constitution, regulation, government, and jurisdiction of police courts, and
for the manner in which, the times at which, and the terms for which the judges of such courts
shall be elected or appointed, and for the compensation of said judges and of their clerks
and attachés.
2. For the manner in which, the times at which, and the terms for which the members of
boards of education shall be elected or appointed, and the number which shall constitute
any one of such boards.
3. For the manner in which, the times at which, and the terms for which the members
of the boards of police commissioners shall be elected or appointed; and for the constitu-
tion, regulation, compensation, and government of such boards and of the municipal police
force.
4. For the manner in which, the times at which, and the terms for which the members
of all boards of election shall be elected or appointed, and for the constitution, regulation,
compensation, and government of such boards, and of their clerks and attachés; and for
all expenses incident to the holding of any election.
Where a city and county government has been merged and consolidated into one munici-
pal government, it shall also be competent in any charter framed under said section eight
of said article XI, to provide for the manner in which, the times at which, and the terms
for which the several county officers shall be elected or appointed, for their compensation,
and for the number of deputies that each shall have, and for the compensation payable to
each of such deputies.
REASONS WHY SENATE CONSTITUTIONAL AMENDMENT NO. 48 SHOULD BE
ADOPTED.
This amendment was introduced by Senator Beban at the request of Charles Wesley
Reed, an attorney of this city. After its introduction certain changes in the proposed
amendment were submitted by me and incorporated therein. The argument favoring
the adoption of this amendment is based upon the following facts:
In subdivision 1 the words "for the qualifications" are added to enable municipal
charters to provide qualifications for police judges which may be deemed necessary on
account of the particular duties they perform in the enforcement of municipal ordi-
nances and regulations.
In subdivision 2 the words "for their qualifications, compensation and removal" are
added for the purpose of permitting municipal charters to prescribe qualifications for
members of city boards of education in addition to those prescribed by general law.
Also to permit such municipalities to fix the compensation of the members of municipal
boards of education, which compensation is a charge upon the city. The word "removal"
is added to eliminate the contention that a member of the city board of education, being
a part of the state school system, is a state and not a municipal officer and that such
member can therefore be removed from office only in accordance with the provisions of
the state law. This question was recently raised in the attempted removal of our local
board of education, and the superior court held that the provisions of the charter author-
izing the mayor to remove all appointive officers did not apply to members of the board
of education for the reasons above stated.
In subdivision 4 the words "for the manner in which and the times at which any
municipal election shall be held and the result thereof determined" are added for the
purpose of making the municipal elections a purely municipal affair and for the further
purpose of validating the provisions of municipal charters adopting the so-called com-
mission form of government, with initiative, referendum and recall provisions, together
with a majority vote rule, such as now exists in this city, Los Angeles, Oakland,
Berkeley, and, I believe, in a great many other small cities of the state.
In the last paragraph the words "and municipal officers and employees whose com-
pensation is paid by such city and county excepting judges of the superior court" are
added for the purpose of making the election, term of office, and compensation of all
officers or employees whose compensation is paid by a consolidated city and county, a
purely municipal affair irrespective of the provisions of the state law regarding either
the appointment, term or compensation of such officers. The only exception is as to
judges of the superior court, who, of course, do not come within the classification of
either county or municipal officers. The exception, however, is put in for the purpose
of eliminating any contention that such officers as probate officers, superintendent of
schools, school teachers, or others connected with the school department are not subject
to the provisions of the charter.
The words "and for their recall and removal and" need no explanation. The words
"clerks and other employees" are added for the purpose of eliminating the contention
that the provisions of the charter referring to the appointees of city and county officers
apply only to such as are designated "deputies" and not to those that are merely clerks
or employees. The words "method of appointment, classification, and tenure of office"
are added for the purpose of authorizing municipal charters to apply the so-called civil
service or merit system of appointment and removal to all deputies, clerks, and
employees of the consolidated city and county, whether they be deputies or employees
of a county or city officer, and thus avoid the prohibition contained in section 16 of
article XX of the constitution against any term of office exceeding four years unless
otherwise provided for by the constitution.
The final clause of the amendment "all provisions of any charter of any such con-
solidated city and county heretofore adopted and amendments thereto which are in
accordance herewith are hereby confirmed and declared valid" are added for the purpose
of validating and confirming all charters which have heretofore been adopted containing
any of the provisions above discussed. That is to say, to validate and confirm all of
the recent amendments and new charters containing initiative, referendum and recall
provisions, as well as such charters as now provide for the civil service system of
officers and employees. This last, of course, applies only to the city and county of San
Francisco, it being the only consolidated city and county.
JOHN W. STETSON, Senator, 15th District.

14. SENATE CONSTITUTIONAL AMENDMENT NO. 49.

CHAPTER 67.—Senate Constitutional Amendment No. 49. A resolution to propose to the
people of the State of California an amendment to the constitution of the State of Cal-
ifornia by amending section 19 of article XI relating to public utilities.

The legislature of the State of California, at its regular session, commencing on the
second day of January, in the year one thousand nine hundred and eleven, two thirds of
all the members elected to each of the two houses of said legislature voting in favor
of the following amendment, to-wit:

otherwise. The method of this proposed amendment is at fault, it is necessary that this should
popular idea. It is impossible for any change to be made
be made, and that it be made absolutely impossible for any change to be made
within the restricted period. The present constitutional provision that "the text-books
so adopted shall continue in use not less than four years" could be evaded by continuing
so adopted shall continue in use not less than four years" could be evaded by continuing
in use the text-book adopted, but making changes in the text, slight in themselves, but
yet sufficient to prevent further use of the old book, and requiring the use of new books.
Thereby the book adopted would continue in use, but still new books would be necessary.
The writer is making here no charge that this has been done. Yet, so long as the
people believe that too frequent changes are responsible for the increased expenditure
necessary for school books, and inasmuch as since 1879 the people, through the con-
stitution, have declared against a change of text-books every four years, they have the
undoubted right to make certain that their will is carried out.
For the use of copyrights, the state pays a certain price for every book sold; hence
the copyright or sells it to the state gets a royalty. For the two years ending
the more books sold, the greater amounts paid for royalty. For the two years ending
June 30, 1910, the people of this state paid for school books \$325,000.00, and of this sum
over \$75,000.00 went for royalties. For the last six years royalties amounting to over
\$265,000.00 were paid by the people of the school children of this state, to private com-
panies. It is to these companies that the writer believes in the words of Superintendent
Hyatt, that a policy of no change would be extravagant and unbusinesslike in the
extreme, and that to the people who buy school books it would be a benefit.
Every argument will be made to defeat this proposed amendment, and it devolves
upon those who pay the royalties to use every endeavor to overcome the efforts of those
who receive the royalties. It is unfortunate that the highest school official in the state
should believe, against "the popular idea," that a "policy of no change would be extrag-
nant." It is equally unfortunate that these views must necessarily arouse his opposi-
tion to this amendment, and to align with those who from interest are opposed to
"the popular idea." It is because of these things that this amendment will meet with
not violent opposition; not openly on the part of those who receive the royalties, but
the less effectively. The campaign for the amendment must be made by those who
suffer by the present condition, and will benefit by a change, and the writer relies upon
them to wage that campaign for its adoption which he would carry on, did time and
other circumstances permit.
W. D. I. HELD, (Author), 6th Assembly District.

16. ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 6.

CHAPTER 53.—Assembly Constitutional Amendment No. 6. A resolution proposing to the
people of the State of California an amendment to section twenty-two of article twelve
of the constitution of the State of California creating a railroad commission and defining
its powers and duties.

The legislature of the State of California, at its regular session, commencing on the
second day of January, one thousand nine hundred and eleven, two thirds of all the mem-
bers elected to each of the two houses of said legislature voting in favor thereof, hereby
proposes to the people of the State of California that section twenty-two of article twelve of
the constitution of the State of California be amended so as to read as follows:

Section 22. There is hereby created a railroad commission which shall consist of five
members and which shall be known as the railroad commission of the State of California.
The commission shall be appointed by the governor from the state at large; provided, that
the legislature, in its discretion, may divide the state into districts for the purpose of such
appointments, said districts to be as nearly equal in population as practicable; and pro-
vided further that the three commissioners in office at the time this section takes effect
shall serve out the term for which they were elected, and that two additional commissioners
shall be appointed by the governor immediately after the adoption of this section, to hold
office during the same term. Upon the expiration of said term, the term of office of each
commissioner thereafter shall be six years, except the commissioners first appointed here-
under after such expiration one of whom shall be appointed to hold office until January 1,
1917, two until January 1, 1919, and two until January 1, 1921. Whenever a vacancy in
the office of commissioner shall occur, the governor shall forthwith appoint a qualified per-
son to fill the same for the unexpired term. Commissioners appointed for regular terms
shall at the beginning of the term for which they are appointed, and those appointed to
fill vacancies shall, immediately upon their appointment, enter upon the duties of their
offices. The legislature shall fix the salaries of the commissioners, but pending such action
the salaries of the commissioners, their officers and employees shall remain as now fixed
by law. The legislature shall have the power, by a two-thirds vote of all members elected
to each house, to remove any one or more of said commissioners from office for dereliction
of duty or corruption or incompetency. All of said commissioners shall be qualified electors
of this state, and no person in the employ of or holding any official relation to any person,
firm or corporation, which said person, firm or corporation is subject to regulation by said
railroad commission and no person owning stock or bonds of any such corporation or who
is in any manner pecuniarily interested therein, shall be appointed to or hold the office of
railroad commissioner. No vacancy in the commission shall impair the right of the re-
maining commissioners to exercise all the powers of the commission. The act of a major-
ity of the commissioners when in session as a board shall be deemed to be the act of the
commission; but any investigation, inquiry or hearing which the commission has power to
undertake or to hold may be undertaken or held by or before any commissioner so designated,
for the purpose by the commission, and every order made by a commissioner so designated,
pursuant to such inquiry, investigation or hearing, when approved or confirmed by the
commission ordered filed in its office, shall be deemed to be the order of the commission.

Said commission shall have the power to establish rates of charges for the transporta-
tion of passengers and freight by railroads and other transportation companies, and no
railroad or other transportation company shall charge or demand or collect or receive a
greater or less rate of compensation for such transportation of passengers or freight,
or for any service in connection therewith, between the points named in any tariff of
rates, established by said commission, than the rates, fares and charges which are speci-
fied in such tariff. The commission shall have the further power to examine books,
records and papers of all railroad and other transportation companies; to hear and deter-
mine complaints against railroad and other transportation companies; to issue subpoenas
and all necessary process and send for persons and papers; and the commission and each
of the commissioners shall have the power to administer oaths, take testimony and pun-
ish for contempt in the same manner and to the same extent as courts of record; the
commission may prescribe a uniform system of accounts to be kept by all railroad and
other transportation companies.

No provision of this constitution shall be construed as a limitation upon the authority
of the legislature to confer upon the railroad commission additional powers of the same
kind or different from those conferred herein which are not inconsistent with the powers
conferred upon the railroad commission in this constitution, and the authority of the leg-
islature to confer such additional powers is expressly declared to be plenary and unlim-
ited by any provision of this constitution.

The provisions of this section shall not be construed to repeal in whole or in part any
existing law not inconsistent herewith, and the "Railroad Commission Act" of this state
approved February 10, 1911, shall be construed with reference to this constitutional pro-
vision and any other constitutional provision becoming operative concurrently herewith.
And the said act shall have the same force and effect as if the same had been passed
after the adoption of this provision of the constitution and of all other provisions adopted
concurrently herewith, except that the three commissioners referred to in said act shall be
held and construed to be the five commissioners provided for herein.

Section 22 of article XII, proposed to be amended as above, now reads as follows:
Sec. 22. The state shall be divided into three districts as nearly equal in population as
practicable. In each of which one railroad commissioner shall be elected by the qualified
electors thereof at office shall be four years, commencing on the first Monday after the first
day of January next succeeding their election. Said commissioners shall be qualified electors
of this state, and no person in the employ of or holding any official relation to any person,
firm or corporation, or other transportation company, as stockholder, creditor, agent,
attorney or employee; and the act of a majority of said commissioners shall be deemed the
act of said commission. Said commissioners shall have the power, and it shall be their
duty, to establish rates of charges for the transportation of passengers and freight by
railroad or other transportation companies, and publish the same from time to time, with
such changes as they may make; to examine the books, records, and papers of all railroad
and other transportation companies, and for this purpose they shall have power to issue
subpoenas and all other necessary process; to hear and determine complaints against rail-
road and other transportation companies; to send for persons and papers, to administer
oaths, take testimony, and punish for contempt of their orders and proceedings, and correct
manner and to the same extent as courts of record, and enforce their decisions and correct
abuses through the medium of the courts. Said commissioners shall prescribe a uniform
system of accounts to be kept by all such corporations and companies. Any railroad cor-
poration or transportation company which shall fail or refuse to conform to such rates as

the whole amount or damages claimed upon personal property when neither the amount of liens nor
to enforce and foreclose liens on personal property when neither the amount of liens nor
the value of the property amounts to three hundred dollars.
Sec. 15. No judicial officer, except court commissioners, shall receive to his own use
any fees or perquisites of office; provided, that justices of the peace now holding office
shall receive to their own use such fees as are now allowed by law during the terms for
which they have been elected.
Sections 1, 5, 11, 15 of article VI, proposed to be amended as above, now read as follows:
Section 1. The judicial power of the state shall be vested in the senate, sitting as a
court of impeachment, in a supreme court, district courts of appeal, superior courts, justices
of the peace, and such inferior courts as the legislature may establish in any incorporated
city or town, or city and county.
Sec. 5. The superior court shall have original jurisdiction in all cases in equity, and in
all cases at law which involve the title or possession of real property, or the legality of any
tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand,
exclusively of interest or the value of the property in controversy, amounts to three hundred
dollars, and in all criminal cases amounting to felony, and cases of misdemeanor not other-
wise provided for; of actions of forcible entry and detainer; of proceedings in insolvency;
of actions to prevent or abate a nuisance; of all matters of probate; of divorce and for
annulment of marriage, and of all such special cases and proceedings as are not otherwise
provided for. And said court shall have the power of naturalization, and to issue papers
therefor. They shall have appellate jurisdiction in such cases arising in justices and other
inferior courts in their respective counties as may be prescribed by law. They shall be
always open (legal holidays and non-judicial days excepted), and their process shall extend
to all parts of the state; provided, that all actions for the recovery of the possession of,
quieting the title to, or for the enforcement of liens upon real estate shall be commenced
in the county in which the real estate, or any part thereof affected by such action or
actions, is situated. Said courts, and their judges, shall have power to issue writs of
mandamus, certiorari, prohibition, quo warranto, and habeas corpus, on petition by or on
behalf of any person in actual custody in their respective counties. Injunctions and writs
of prohibition may be issued and served on legal holidays and non-judicial days.
Sec. 11. The legislature shall determine the number of justices of the peace to be
elected in townships, incorporated cities and towns, or cities and counties, and shall fix by
law the powers, duties, and salaries of justices of the peace; provided, such powers
shall not in any way curtail or diminish the jurisdiction of the several courts of record, except
that said justices shall have concurrent jurisdiction with the superior courts in cases of
forcible entry and detainer, where the rental value does not exceed twenty-five dollars per
month, and where the whole amount of damages claimed does not exceed two hundred
dollars, and in cases to enforce and foreclose liens on personal property when neither the
amount of the liens nor the value of the property amounts to three hundred dollars.
Sec. 15. No judicial officer, except justices of the peace and court commissioners, shall
receive to his own use any fees or perquisites of office.

REASONS WHY ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 26 SHOULD BE ADOPTED.

At the present time, the office of justice of the peace is a constitutional office, and the
legislature has no power to substitute any other court for the justice's court, no matter
how much less expensive or more efficient such other court might be. The purpose of
Assembly Constitutional Amendment No. 26 is to change this condition by making the
office of justice of the peace statutory only, so that the legislature may, if desirable,
create other courts to take the place of the justice's court. For many years, and in all
parts of the state, our system of inferior courts has been criticised on the ground of its
inefficiency and its expensiveness. In a great majority of townships there is no lawyer
who is willing to accept the office of justice of the peace, and the great majority of
justices are, therefore, men without education in the law. The result of this is that
civil cases tried in these courts are appealed to the superior court and the litigants,
instead of saving money by having a local inferior court, are put to the expense of a
double trial. If the judges of the inferior courts were trained in the law, there would
be fewer appeals and litigants would save both time and money.

Our present system of justice of the peace is paid in salary each year \$16,860.00, besides being
allowed to retain certain fees for their own use, while the judges of the superior court,
for doing many times more work, receive \$15,000.00 and no fees. In other counties a
like condition exists. It is generally conceded that a more efficient and less expensive
inferior court can be devised. A circuit court, for instance, sitting at regular intervals
in the different townships of a county, could dispose of all the civil and criminal cases
that are now within the jurisdiction of the justice's court, and by this means one justice
could do the work which now requires several. It would be easy to find competent ju-
stices for such positions and each community would still have the advantage of a local
court, but that court would be efficient and comparatively inexpensive. The purpose of
the proposed amendment is to pave the way for such a change. By the adoption of
this amendment the people of the state will place in the legislature power to establish
an inferior court that will save money both to the taxpayer and to the litigant, and give
greater satisfaction to all parties.

A further effect of this amendment, if adopted, will be the abolition of the fee system
in our courts. At present, justices of the peace are permitted to retain fees for their
own use. Such a system has a natural tendency to prejudice a weak justice toward
the plaintiff who must, in the first instance, pay the fees. The fee system has been
gradually abolished in this state, and very few public officials are now allowed to retain
fees for their own use. Judges, in particular, should not be allowed to retain fees. The
amendment will not, however, affect the fees of justices of the peace now in office dur-
ing the term for which they have been elected.

The only argument advanced against the amendment in the legislature was that in
some counties the present system is working satisfactorily and the people in those coun-
ties desire no change. To meet this objection, the judiciary committee of the Senate
caused the resolution to be amended so that the present court may be retained in such
counties and some other court substituted in the counties where the present system is
not satisfactory.

The law of California, at present, provide for the office of justice of the peace, so
that the adoption of this amendment will legislate no man out of office. Until the leg-
islature changes the law, the present court will continue with the same powers and duties
it now has. The adoption of this amendment simply gives to the legislature the power
to make such changes in the law and to provide for a more efficient court.

L. D. BOHNETT, Assemblyman, 56th District.
HENRY N. BEATTY, Assemblyman, 36th District.

REASONS WHY ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 26 SHOULD NOT BE ADOPTED.

If this amendment is adopted, justices of the peace will thereby cease to be a part of
the state's judiciary. At present, they form a part of the judicial system of the state;
are established by the constitution; are required to be elected by the people; and the
extent and character of their jurisdiction is defined, limited and protected by the consti-
tution. They are a time-honored institution. Were established by the constitution in
1849, and have continued ever since. No better system of inferior courts than we have
in our justices of the peace has been found practicable, either by our constitutional
conventions or by our legislatures.

It is now proposed, by this amendment, to do away with these courts, and to give the
legislature authority to establish such other inferior courts of like jurisdiction in their
stead as it may see fit. The legislature now determines (Constitution, Sec. 11, Art.
VI) the number of justices of the peace in townships, and in incorporated cities and
towns, and cities and counties; but it can not alter the manner of their selection, which,
by the constitution, must be by election by the people.

If this proposed amendment is adopted, inasmuch as it does not provide that the
judges of the new courts are to be elected (but is silent as to the method of their selec-
tion), the legislature may, if it sees fit, provide that they be appointed. Naturally, there-
fore, why should this power be given to the legislature, and at a time, too, when there
is so much being said about giving back to the people the government which is right-
fully theirs to administer? If the people are to be trusted to elect their higher judi-
cial officers, it would be both unreasonable and unfair to deny them the right to elect the
judges of these inferior courts. The legislature has now the power (Constitution
Sec. 15, Art. VI) to provide that justices of the peace be paid by salary or fees, or by
both salary and fees. The tendency of legislation is to dispense with the fee system as
much as possible. But in the case of justices of the peace, the legislature has found it
advisable to retain the fee system partially. There is, however, nothing in the way to
prevent the legislature from abolishing fees at any time that it may see fit.

The matter of the compensation of justices of the peace is generally regulated in the
county government act, and salary or fees, or both, are allowed, to suit the condition
that exist in each county. Generally, salaries are paid in lieu of fees in criminal cases,
and fees in civil actions. The system seems to work well, and is no

"Subd. 1. Art. VIII. In order to prevent those who are vested with authority from becoming oppressors, the people have the right, at such periods and in such manner as they shall establish by their form of government, to cause their public officers to return to private life, and to fill up vacant places by certain and regular elections and appointments."

Recall to be made direct. By the present amendment it is now proposed to substitute this direct recall, in lieu of the indirect recall already provided for in our constitution, as the people of this state have substituted the direct nomination of candidates for office in lieu of the indirect method formerly in vogue. Having the right "to hire," the people should also have the right "to fire."

Recall will be sparingly used. Experience has shown that the recall will not be lightly sought nor triflingly applied. The sense of fair play, and the fear of offending a judge, who if not recalled would be all-powerful to punish lawyer and layman appearing in his court, will effectually deter men except in most flagrant cases, from instituting recall proceedings against judges. In the city of Los Angeles it has been used but twice since its adoption in 1906, and only in a case of extreme emergency, though under aggravated circumstances wherein public sentiment was fiercely aroused. In Oregon it has been in operation since 1908, but no judge has been removed. In Washington it has been used only in case of flagrant abuse of power and when as a last resort it became necessary to protect the people against the most wilful violation of decency and good government.

Laws enacted and construed, how. Laws henceforth under the enlarging powers of the people will embody the will and spirit of the people; in fact, will be what laws should always be—a transcription of the will, wisdom, and spirit of the people and of their times. Enacted in this spirit they must be interpreted, construed, applied and enforced in like spirit, or self-government is wholly lost or gone widely astray. The recall will quicken the judiciary with the spirit of the law and instill the same wholesome respect for the rights of persons as for the rights of property and to a determination of the questions presented, in the light of to-day rather than in a slavish adherence to the precedents created under conditions now obsolete and outworn.

Shall the people govern? All objections to the amendment may be summed up in the charge, "The people can not be trusted." This is an insult to the California electorate. The people can be trusted. They are just, patient, and long suffering, and in the end wise. Inflated egotism may cry out against the "Rule of the Mob," and the "Tyranny of Majorities," but if self-government is to continue it is to do so by upholding the rule of the people. Are the people capable of self-government? If so, the recall must be theirs to enable them to enjoy self-government.

Without recall judiciary is supreme. No branch of the government should be greater than the government itself. The creature should not be superior to the creator. Without the recall the judiciary has supreme, arbitrary power. From its final decrees there is neither escape nor appeal and our boasted republican government has become a judicial oligarchy—a judicial despotism.

LEE C. GATES, Senator, 34th District.
WM. C. CLARK, Assemblyman, 50th District.

REASONS WHY SENATE CONSTITUTIONAL AMENDMENT NO. 23 SHOULD NOT BE ADOPTED.

The proponents of this new idea of "recalling" an elected officer before his term expires, base the right so to do upon the proposition, that as the majority elects the officer, the majority can remove him after election if his actions fail to meet with the approval of the majority. If the grounds for the "recall" were those of misconduct, malfeasance or corruption, this roundabout way of accomplishing the desired result would have more to commend it to the rational mind, but the proposed amendment requires no charges of misconduct, malfeasance or corruption on the part of the officer, but just because he fails to perform some act, the performance of which would be popular, a movement to "recall" him can be started, and he is required in self-protection to defend against any attack made against him, and in so doing he must of necessity neglect the duties of his office, or else he may be "recalled," and on the official ballot that the voter will receive and to be voted in the election, the officer is allowed to have printed only three hundred words in his behalf.

Such a proceeding ought to find but little favor in the public estimation. While there is no property right in an office which the incumbent can claim protection for, yet to concede that the majority can remove an officer just because he is not suitable to them, is to concede that the constitution and laws of the land do not bind the majority, and to illustrate: Suppose a bill is introduced in the legislature, and it is very popular, but it is believed by a minority to be in violation of the constitution, and on that ground some member declines to vote for it, he is at once the victim of the "recall" just because he observed his constitutional oath, and if he be "recalled" and a successor is elected, that successor is elected on a pledge to vote for that law whether it be constitutional or not because he has seen the fate of the man who dared to vote against it, and if that law comes before the judiciary for enforcement what fate awaits the judge who dares to declare the law unconstitutional? He, too, would be "recalled." We, therefore, to favor the "recall" must agree that the constitution is not to be observed by the majority, and if any officer, executive, legislative or judicial shall stand upon the constitution and enforce its provisions he will be "recalled." Can a government so conceived and so constructed long endure?

If the majority are to control and can control the actions of an elected officer this then is tyranny—"the end of all things." Such a practice can be enforced only by force of arms, and the constitution which guarantees that the law that operates upon one man shall operate equally upon all, affords no protection and it no longer remains "an ark of covenant, wherein no man may lay rash hands." Now, while the "recall"—this new-born expedient has little to commend itself when applied to executive, administrative or legislative offices, the idea of applying its provisions to the judiciary is to my mind but little short of anarchy, for it means the turning over of the judiciary to the agitator and the mob. If the judge is to be "recalled" for rendering a decision, who finally is to decide the case? The judge elected at the "recall election" or the people themselves? Who is to write the decision? The people can not write the decision. The decision written by the "recalled" judge must stand until reversed. What then is to be gained by this new idea? Any person who ever read the proceedings of the convention which framed the federal constitution must admit that the independence of the judiciary was the one thing which nearly every delegate agreed upon. When it was proposed that all laws passed by congress should first be passed upon by the supreme court, the proposition was almost unanimously rejected, because the court should be free to pass upon the law when the test was applied and not before. When the tenure of the judiciary was under consideration it was proposed that the judges hold at the pleasure of the appointing power, and this was rejected because it was likely to subject them to the domination or influence of the appointing power, and this could not be tolerated. Such tenure of office places the officer in the relation of master and servant. When such a relationship exists the servant is without independence. He can not act as his conscience dictates, but do as the appointing power directs under the penalty of dismissal. It was finally agreed that the judges should hold office during good behavior, thereby giving them more independence than they would have if given a fixed term. The independence of the judiciary has been the corner stone upon which the superstructure of this government has been reared to its present splendid eminence, and the independence of the judiciary ought to be forever maintained.

The history of our country is replete with instances where courts have rendered unpopular decisions, but those decisions were according to the constitution and laws as the courts understood them, and those decisions have stood the test of reason. In December, 1856, Chief Justice Taney of the United States Supreme Court, decided the Dred Scott case, which in effect would permit slavery to exist in the free states, and it was a most unpopular decision and did much toward bringing about the war with the south, yet it has stood the test of reason and the principle of law there declared—that a man who owned property in one state did not lose it if he brought it into another state—has never been departed from. Had the "recall" of the judiciary been in vogue then, there is little doubt but what some "progressive" citizens would have started the principle of law, which Chief Justice Taney would have been "recalled," and that great noble or any other personal property from one state into any other state to which he desired to go, would not now be the rule. Our "progressive" friends did not have Abraham Lincoln advocating the "recall" of Chief Justice Taney, for in his inaugural address delivered March 4, 1861, with reference to that very decision, he said:

add a new section 21 to article XX of the state constitution, to read as follows: "The legislature may by appropriate legislation create and enforce a liability on the part of all employers to compensate their employees for any injury incurred by the said employees in the course of their employment, irrespective of the fault of either party. The legislature may provide for the settlement of any disputes arising under the legislation contemplated by this section by arbitration or by an industrial accident board, by the courts, or by either, any or all of these agencies, anything in this constitution to the contrary notwithstanding."

The object of this amendment is twofold:

First.—To permit the legislature, so far as it is possible for a state to do, to increase the liability of all employers for accidental injuries to their employees so as to cover all accidents, irrespective of the fault of either party. This part obviates all objections with respect to due process of law and the taking away of the property of one person for the benefit of another person where the former at common law owes no duty to the latter.

Second.—To permit the legislature to delegate judicial power to an administrative board which may be created, to be composed of representatives of employers and employees, to be empowered to hear and decide all cases of injury to employees in the course of their employment. Under this new section it will be possible for the legislature to enact compulsory compensation laws, and administer them without the interference of the courts, and dispose of all cases quickly and economically to the advantage of all parties concerned.

RICHARD J. WELCH (author), State Senator, 19th District.

11. SENATE CONSTITUTIONAL AMENDMENT NO. 45.

CHAPTER 63.—Senate Constitutional Amendment No. 45. A resolution proposing to the people of the State of California an amendment to the constitution of the state amending section 16 of article XX relating to term of office.

Resolved by the senate, the assembly concurring, That the legislature of the State of California, at its regular session commencing on the second day of January, A. D. 1911, two thirds of all the members elected to each house of said legislature voting in favor thereof, hereby proposes to the people of the State of California that section 16 of article XX of the constitution of said state be amended so as to read as follows:

Sec. 16. When the term of any officer or commissioner is not provided for in this constitution, the term of such officer or commissioner may be declared by law; and, if not so declared, such officer or commissioner shall hold his position as such officer or commissioner during the pleasure of the authority making the appointment; but in no case shall such term exceed four years; provided, however, that in the case of any officer or employee of any municipality governed under a legally adopted charter, the provisions of such charter with reference to the tenure of office or the dismissal from office of any such officer or employee shall control; and provided further, that the term of any person heretofore or hereafter appointed to hold office or employment during good behavior under civil service laws of the state or of any political division thereof shall not be limited by this section.

Section 16 of article XX, proposed to be amended as above, now reads as follows:

Sec. 16. When the term of any officer or commissioner is not provided for in this constitution, the term of such officer or commissioner may be declared by law; and, if not so declared, such officer or commissioner shall hold his position as such officer or commissioner during the pleasure of the authority making the appointment; but in no case shall such term exceed four years; provided, however, that in the case of any officer or employee of any municipality governed under a legally adopted charter, the provisions of such charter with reference to the tenure of office or the dismissal from office of any such officer or employee shall control.

ARGUMENT IN FAVOR OF SENATE CONSTITUTIONAL AMENDMENT NO. 45.

The proposed amendment seeks to amend article 20, section 16 of the constitution by empowering the legislature to pass laws governing the civil service of the state and the political subdivisions thereof. Under the existing form of this section of the constitution, the legislature is prohibited from creating a term of office in excess of four years. This, of course, would forbid any civil service regulation extending the term of any public officer beyond four years, and during good behavior. The proposed constitutional amendment is intended to remove this restriction and to permit of a civil service law governing all public civil employments under the state or any political subdivision thereof. Of course the main object sought to be accomplished by a civil service law is the abolition of the spoil system and the institution of the merit system in public offices. The purposes of a civil service law and the results which have followed its adoption elsewhere are as follows:

1. It will secure a higher class of employees who are experts in their various departments.
2. It will exclude the unfit employee.
3. It will stop the creation of useless additional offices for patronage purposes.
4. It gives every qualified citizen an equal chance to enter public service.
5. It will stop political influence affecting the work of public servants, and thereby conserve public property and rights.
6. It very greatly reduces the cost of administration.
7. It will materially raise the efficiency of public service.
8. It frees public officers from the annoying demands of their party and political friends.

The operation of a civil service law had its first results under the federal government. This measure was passed in 1883, covering at the time some sixteen thousand positions. Now over one hundred and fifty thousand offices are under civil service regulations and the number is fast increasing. During the ten years before the law was adopted by the federal government there was an increase from 3300 to 5523, or more than two thirds increase in the departments at Washington. In the thirteen years after the law was enacted the number of offices actually decreased 211, or 3 per cent, while the work in the various departments was largely increased. This is but one of a number of familiar instances which could be cited to show the tremendous saving to the public treasury by the enactment of a civil service law. Massachusetts, New York, Wisconsin, and Illinois have already enacted civil service laws which have become the example for other states seeking to remedy their public service. Most of the large cities of this and other states have already adopted civil service laws for their employments.

Without a single exception the operation of civil service laws governing public employments has resulted in saving the states and counties many thousands of dollars in the administration of public affairs, built up a corps of public servants, honest, capable, trained to their vocation, and free from political or personal influence in the discharge of their duties, ready and willing to oblige the ordinary citizen as well as the most powerful boss, and secures to such public employees their positions as long as they render sufficient service and during good conduct; and lastly eliminates the expensive obnoxious spoil system by which public service is degenerated by the construction of expensive political machines by those in power. If this constitutional amendment is adopted it will mean the eradication of most of the present evils in public service, and the substitution of all of the benefits to be derived by a rational civil service law as above set forth. It is, therefore, urged that the above constitutional amendment be adopted by an overwhelming majority.

LOUIS H. ROSEBERRY (author), 33d Senatorial District.
NEWTON W. THOMPSON, 35th Senatorial District.

12. SENATE CONSTITUTIONAL AMENDMENT NO. 47.

CHAPTER 60.—Senate Constitutional Amendment No. 47. A resolution proposing to the people of the State of California an amendment to section twenty-three of article twelve of the constitution of the State of California, to confer upon the railroad commission power and jurisdiction to regulate and control the business of furnishing certain commodities and performing certain services to or for the public.

The legislature of the State of California, at its regular session, commencing on the second day of January, one thousand nine hundred and eleven, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the people of the State of California that section twenty-three of article

other means of communication. Such works may be acquired by original construction or by the purchase of existing works, including their franchises, or both. Persons or corporations may establish and operate works for supplying the inhabitants with such services upon such conditions and under such regulations as the municipality may prescribe under its organic law, on condition that the municipal government shall have the right to regulate the charges thereof. A municipal corporation may furnish such services to inhabitants outside its boundaries, provided that it shall not furnish any service to the inhabitants of any other municipality owning or operating works supplying the same service to such inhabitants, without the consent of such other municipality, expressed by ordinance.

Section 19 of article XI, proposed to be amended as above, now reads as follows:

Sec. 19. In any city where there are no public works owned and controlled by the municipality for supplying the same with water or artificial light, any individual, or any company duly incorporated for such purpose, under and by authority of the laws of this state, shall, under the direction of the superintendent of streets, or other officer in control thereof, and under such general regulations as the municipality may prescribe, for damages and indemnity for damages, have the privilege of using the public streets and thoroughfares thereof, and of laying down pipes and conduits therein, and connections therewith, so far as may be necessary for introducing into and supplying such city and its inhabitants either with gaslight, or other illuminating light, or with fresh water for domestic and all other purposes, upon the conditions that the municipal government shall have the right to regulate the charges thereof.

STATEMENT IN FAVOR OF ADOPTION OF SENATE CONSTITUTIONAL AMENDMENT NO. 49.

Senate Constitutional Amendment No. 49 amends section 19 of article XI of the constitution. The proposed section is radically different from the one it is designed to replace, and the broad ground upon which the amendment rests should be stated at the outset. The original section was designed to meet conditions which prevailed in this state with regard to the operation of public utilities in cities at the time of the adoption of the new constitution, in 1879. But such conditions have changed in the thirty-two years elapsed since then, and an entirely new situation now exists regarding the subject to which this section relates. The proposed amendment is designed to provide for conditions as they now are, and as they will doubtless continue to be in the future.

In effect, section 19 of article XI, as it stands, provides that in any city which does not own and control its own waterworks or lighting plant, any individual or private corporation shall have the privilege of using the streets and thoroughfares of such city, and to construct pipes and conduits therein for the purpose of operating water and lighting systems. The only conditions attached to this constitutional grant are: (1) that the work of laying pipes or conduits, or installing appliances in the city streets, shall be under the direction of the superintendent of streets; (2) that such work shall be subject to such regulations as the city may prescribe for damages and indemnity for damages; and (3), that the municipal government shall have the right to regulate the charges for water or light furnished by such person or company.

An examination of the proceedings of the convention which framed the constitution of 1879 will show that the purpose of this section was to remedy a most vexatious condition which then existed in all the larger cities of the state. It was notorious that the supplying of water and light were private monopolies in all such cities, and that, owing to the absolute control over municipal councils by the persons operating these monopolies, it was impossible for any other persons to get franchises to conduct competing systems. This situation was a public scandal and the water and gas companies of that day simply used their power to prevent, and they did prevent, any franchise being granted that would break their monopoly, or enable others to enter into competition with them. The people were so desirous of ending this odious system that they were willing to place in the constitution this section, which gave to any one the absolute right, without compensation and without conditions other than as above stated, to operate water and lighting systems in cities. It was thus confidently hoped that these public utilities would be placed upon a competitive basis, that burdensome gas and water monopolies would be broken, and that great benefit would thereby inure to the people.

The result, however, has been a distinct disappointment, like many other attempts to remedy economic conditions by force of states. The sequel has shown that to give the right to establish competing water or gas systems by law is one thing; to actually establish and maintain them is quite another. The fact is that the supplying of gas, water, electric light, and any other like public service is by its very nature monopolistic, and the true remedy, so far as any substantial benefit to the people is concerned, is to encourage the furnishing of these public necessities by municipal corporations themselves. This fact was not realized so clearly thirty years ago as it is to-day. In spite of this free and direct gift of franchises for water and lighting systems, the cities are still in the hands of water and lighting companies that are private monopolies in fact, if not in name, except in those cases where cities have established their own systems. Even where there are several private lighting or water companies operating in the same city, the companies are not rivals in any real sense. If a serious competitor appears, it is hampered or crushed by the superior commercial or political influence of the water, gas or electric companies that have already occupied the city streets and established their connections; or, if such rival be strong enough financially to hold its ground, the water, gas or electric companies speedily admit it to their circle, and make an amicable division of the city territory between themselves, by which they agree not to invade each other's preserve. Therefore, unless a more effective remedy is devised than is afforded by section 19, article XI, in its present form, the monopolistic conditions that were so unpopular thirty years ago will still remain, although slightly in a different shape. So much for the general purpose which the authors of the original section had in mind, and the practical results of its operation. This section was amended in 1885; the amendment, however, simply consisted in striking out a provision which had no relation to the subject we are discussing.

But there have been other unfortunate results from this section. The control of cities over water, gas and electric companies with respect to the use of the public streets, has been extremely weak and unsatisfactory. The only power which cities have in this regard is that the physical work of installing poles or wires, or tearing up streets for pipes and conduits, must be done under the direction of the city officer who has charge of the streets, and that the city may compel the observance of rules and regulations for the payment of damages occasioned by such work, and indemnity therefor. Cities generally, under their constitutional power to make local and police regulations, require all persons who tear up pavements or make excavations in public streets to conform to their ordinances prescribing the time when, the place where, and the manner in which such work shall be done. Persons and companies operating water, gas and electric lighting systems, however, are practically exempt from such regulations. The limitation in the present section that the laying of water and gas pipes and conduits shall be "under the direction" of the municipal officer who has charge of the streets does not mean much in practice, for this "direction" is clearly limited to the doing of the work itself, and does not imply a right to control the time or place when such work shall be done, or any effective method of regulating the method thereof.

The supreme court of this state has construed this section of the constitution on several occasions, and it has held that when the constitution designates "damages and indemnity for damages" as the subject upon which the municipality may prescribe regulations in regard to laying pipes and conduits, it places a limitation upon the authority of the municipality over the matters connected with the exercise of the privilege of prohibition from prescribing any other regulations to the persons and corporations who have the right to lay pipes, erect poles, and construct conduits in the streets. The supreme court has further held that when the sovereign authority of the state has created a right, and expressed an intention that such right is sought to be enjoyed, it is not within the province of a municipality where such right is sought to be exercised to impose any other conditions to its exercise.

Therefore, the various cities and towns, at least those which do not own and operate water, gas and electric lighting systems themselves, have no effective control over the use of the streets by gas, water or electric light companies, for such companies may and do dig up the streets at their own sweet will, at any time, in any manner, and at any place. It is a matter of common knowledge that the indiscriminate manner in which streets, and particularly paved and other highly improved streets, are torn up by gas,

THE REASONS WHY ASSEMBLY SHOULD

The amendment proposed changes following particulars:

It increases the membership of the missions are to be appointed by elected by the people for a term of from districts, except that the legis districts for the purpose of such app to expire at different times instead to act to one of its members instead tigation of every question presented rate schedules which are not objecti lature to confer additional powers on

The increase in the number of con the board to perform properly the d and the "Railroad Commission Act." We are informed that the present i commission in the State of Californ it, which is increasing rapidly, and the powers of the board are to be e porations, as is contemplated by Se lity for the increase in the number proposal that the commissioners sha in the interest of efficiency. Tech commissioner, and experience has sl been attained through appointment by the people at large. In the stat are doing the best work in the Unit by the governor.

The greatest degree of interest in the election of the governor, and ti self as to the qualifications of the particularly dangerous in the case o technical skill as well as their integ governor directly responsible to th charged with the supervision of c public. The amendment proposed v thirds vote to remove any one or n of duty or corruption or incompeten the integrity and ability of the con

The abolition of the present syst also obviously in the interest of members of an official board from limitation upon the ability of the b aggregate membership. Choice of p posed of experts, should be made tions. It is to be noted, however legislature may at any time requir districts if such a change is deeme

Still another proposed change in rotation of the commissioners in of at different periods. The resoluti office until the expiration of the t tional members to be appointed af for the same term. Upon the exp gured to appoint five commissione 1917, two on January 1, 1919, and appointment of any new member will be composed of a majority o ance of the duties required of t unfamiliar with those duties. It is office of a commissioner for a fixed s for any one governor during his i board so far as its entire members

Under the constitutional provisio the railroad commission can act c many instances, investigations, i single commissioner with the resu omized. This change is designed t to act in such cases. The section "shall have the power, and it shal amendment proposed eliminates th thousand schedules of rates in for no ground for complaint. One of mission was to correct abuses in t commission is, therefore, interest The power to correct these abuses out imposing on the board the ne schedules generally. Especially i single rate unnecessary when un increases in rates are required to

Finally, it is proposed to amend the legislature to confer additional as presented for adoption, the le powers as it sees fit without any thus given are not inconsistent wit The adoption of this amendmen est of the people of the State of

W. A. SU
LESTER (

REASONS WHY ASSEMBLY C

In compliance with chapter 319, election to be held on Tuesday, O qualified electors of the state of

No. 48 and No. 50, and arguments thereon, see additions sheet.

MC 2.801

CERTIFIED COPY

OF THE

ments to the Constitution of the State of California

ted upon at the next GENERAL ELECTION to be held on the Eighth day of November, A.

is reserving in the people the absolute right to fish thereupon; and no law shall ever be passed making it a crime for the people to enter upon the public lands within this state for the purpose of fishing in any water containing fish that have been planted therein by the state; provided, that the legislature may by statute, provide for the season when and the conditions under which the different species of fish may be taken.

P. A. STANTON,
Speaker of the Assembly.
W. R. PORTER,
President of the Senate.

Attest:
C. F. CURRY, Secretary of State.
Endorsed: Filed in the office of the Secretary of State the 30 day of March, A. D. 1909, at 3:45 o'clock P. M. C. F. Curry, Secretary of State. By J. Hoesch, Deputy.

SENATE BILL NO. 485.

Passed the Senate, March 8, A. D. 1909. Lewis A. Hilborn, Secretary of the Senate.
Passed the Assembly, March 15, A. D. 1909. Clio Lloyd, Chief Clerk of the Assembly.
This bill was received by the Governor this 19th day of March, A. D. 1909, at 11 o'clock A. M. E. C. Cooper, Private Secretary of the Governor.

CHAPTER 320. An act to provide for the issuance and sale of state bonds to create a fund for the improvement of San Francisco harbor by the construction by the board of state harbor commissioners of wharves, piers, state railroad, spurs, betterments, and appurtenances and necessary dredging and filling in connection therewith in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; to define the duties of state officers in relation thereto; to make an appropriation of five thousand dollars for the expense of printing said bonds; and to provide for the submission of this act to a vote of the people.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness hereby authorized to be incurred by the board of state harbor commissioners for the erection of wharves, piers, seawall, state railroad, spurs, betterments and appurtenances and necessary dredging and filling in connection therewith in the city and county of San Francisco, at a cost not to exceed nine million dollars (which said wharves, piers, seawall, state railroad, spurs, betterments and appurtenances and necessary dredging and filling in connection therewith the board of state harbor commissioners are hereby empowered to construct and do in the manner, authorized by law, and at a cost not to exceed said nine million dollars), the state treasurer shall, immediately after the issuance of the proclamation of the governor, provided for in section 10 hereof, prepare nine thousand suitable bonds of the State of California, in the denomination of one thousand dollars each. The whole issue of said bonds shall not exceed the sum of nine million dollars, and said bonds shall bear interest at the rate of four per centum per annum, from the date of issuance thereof, and both principal and interest shall be payable in gold coin of the present standard value, and they shall be payable at the office of the state treasurer, at the expiration of seventy-four years from their date, subject, however, to redemption by lot as in this act hereinafter

SEC. 6. The state controller and the state treasurer shall keep full and particular account and record of all their proceedings under this act, and they shall transmit to the governor an abstract of all such proceedings thereunder, with an annual report, to be by the governor laid before the legislature biennially; and all books and papers pertaining to the matter provided for in this act shall at all times be open to the inspection of any party interested, or the governor, or the attorney general, or a committee of either branch of the legislature, or a joint committee of both, or any citizen of the state.

SEC. 7. It shall be the duty of the state treasurer to pay the interest of said bonds, when the same falls due, out of the sinking fund provided for in this act, on controller's warrants duly drawn for that purpose.

SEC. 8. This act, if adopted by the people, shall take effect on the thirty-first day of December, nineteen hundred and ten, as to all its provisions except those relating to and necessary for its submission to the people, and for returning, canvassing, and proclaiming the votes, and as to said excepted provisions this act shall take effect immediately.

SEC. 9. This act shall be submitted to the people of the State of California for their ratification at the next general election, to be held in the month of November, nineteen hundred and ten, and all ballots at said election shall have printed thereon and at the end thereof, the words, "For the San Francisco Harbor Improvement Act of 1909," and in the same square under said words the following, in briefer type: "This act provides for the improvement of San Francisco harbor and for the payment of all costs thereof out of San Francisco Harbor Improvement Fund." In the square immediately below the square containing said words, there shall be printed on said ballot the words: "Against the San Francisco Harbor Improvement Act of 1909," and immediately below said words "Against the San Francisco Harbor Improvement Act of 1909," in briefer type shall be printed "This act provides for the improvement of San Francisco harbor and for the payment of all costs thereof out of the San Francisco Harbor Improvement Fund." Opposite the words "For the San Francisco Harbor Improvement Act of 1909," and "Against the San Francisco Harbor Improvement Act of 1909," there shall be left spaces in which the voters may make or stamp a cross to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the San Francisco Harbor Improvement Act of 1909," and all those voting against the said act shall do so by placing a cross opposite the words "Against the San Francisco Harbor Improvement Act of 1909." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

SEC. 10. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appear that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

SEC. 11. It shall be the duty of the secretary of state to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this state, for three months next preceding the general election to be held in the month of November, nineteen hundred and ten,

to pay the principal of and the interest on the bonds, issued and sold pursuant to the provisions of this act, as said principal and interest becomes due and payable.

There shall be collected annually in the same manner and at the same time as other state revenue is collected such a sum, in addition to the ordinary revenues of the state as shall be required to pay the principal and interest on said bonds as herein provided, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue, to do and perform each and every act which shall be necessary to collect such additional sum.

The treasurer of the state shall, on the first day of January, 1912, and on the first day of each July and the first day of each January thereafter transfer from the general fund of the state treasury to the interest and sinking fund such an amount of the money by this act appropriated as shall be required to pay the interest on the bonds theretofore sold, until the interest on all of said bonds so sold shall have been paid or shall have become due in accordance with the provisions of this act.

There is hereby created in the state treasury a fund to be known and designated as the "State Highway and Sinking Fund." The treasurer of the state shall on the first day of July of the year 1917, and on the first day of July, of each and every year thereafter in which a parcel of the bonds sold pursuant to the provisions of this act shall become due, transfer from the general fund of the state treasury to the said state highway sinking fund such an amount of the moneys appropriated by this act as may be required to pay the principal of the bonds so becoming due and payable in such years.

SEC. 6. The principal of all of said bonds sold shall be paid at the time the same becomes due, from the state highway sinking fund, and the interest on all bonds sold shall be paid at the time said interest becomes due, from the interest and sinking fund. Both principal and interest shall be so paid upon warrants duly drawn by the controller of the state upon demands audited by the state board of examiners, and the faith of the State of California is hereby pledged for the payment of the principal of said bonds so sold, and the interest accruing thereon.

SEC. 7. The state controller and state treasurer shall keep full and particular account and record of all their proceedings under this act and they shall transmit to the governor in triplicate an abstract of all such proceedings thereunder with an annual report in triplicate, one copy of each to be by the governor, laid before each house of the legislature biennially. All books and papers pertaining to the matter provided for in this act shall, at all times, be open to the inspection of any party interested, or the governor, or the attorney-general, or a committee of either branch of the legislature or a joint committee of both or any citizen of the state.

SEC. 8. The highway constructed or acquired under the provisions of this act shall be permanent in character and be finished with oil or macadam or a combination of both, or of such other material as in the judgment of the said department of engineering shall be most suitable and best adapted to the particular locality traversed. The state department of engineering, in the name of the people of the State of California, may purchase, receive by donation or dedication, or lease any right of way, rock quarry or land necessary or proper for the construction, use or maintenance of said state highway and shall proceed, if necessary, to condemn under the provisions of the Code of Civil Procedure relating to such proceedings any necessary or proper right of way, rock quarry or land. The department of engineering shall have full power and authority to purchase

clause that is subject to redemption by lot after the year nineteen hundred and fifty.

Sec. 2. Interest coupons shall be attached to each of said bonds, so that such coupons may be removed without injury to, or mutilation of the bond. Said coupons shall be consecutively numbered, and shall bear the lithographed signature of the state treasurer who shall be in office on the second day of July, 1911. But no interest on any of said bonds shall be paid for any time which may intervene between the date of any of said bonds and the issue and sale thereof to a purchaser, unless such accrued interest shall have been, by the purchaser of said bond, paid to the state at the time of such sale.

Sec. 3. The sum of five thousand dollars is hereby appropriated to pay the expense that may be incurred by the state treasurer in having said bonds prepared. Said amount shall be paid out of the San Francisco harbor improvement fund on controller's warrants, duly drawn for that purpose.

Sec. 4. When the bonds authorized to be issued under this act shall be duly executed, they shall be by the state treasurer sold at public auction to the highest bidder for cash, in such parcels and numbers as said treasurer shall be directed by the governor of the state, under seal thereof, after a resolution requesting such sale shall have been adopted by the board of state harbor commissioners, and approved by either the governor of the state or mayor of the city and county of San Francisco, who shall only approve the same when in their judgment the actual harbor receipts, and those reasonably anticipated, will justify such sale of bonds and the consequent increased burden on harbor receipts; but said treasurer must reject any and all bids for said bonds, or for any of them, which shall be below the par value of said bonds so offered plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date; and he may, by public announcement at the place and time fixed for the sale, continue such sale, as to the whole of the bonds offered, or any part thereof offered, to such time and place as he may select. Before offering any of said bonds for sale the said treasurer shall detach therefrom all coupons which have matured or will mature before the date fixed for such sale. Due notice of the time and place of sale of all bonds must be given by said treasurer by publication in two newspapers published in the city and county of San Francisco, and also by publication in one newspaper published in the city of Oakland, and by publication in one newspaper published in the city of Los Angeles, and by publication in one newspaper published in the city of Sacramento, once a week during four weeks prior to such sale. In addition to the notice last above provided for, the state treasurer may give such further notice as he may deem advisable, but the expenses and cost of such additional notice shall not exceed the sum of five hundred dollars (\$500.00) for each sale so advertised. The cost of such publication shall be paid out of the San Francisco harbor improvement fund, on controller's warrants duly drawn for that purpose. The proceeds of the sale of such bonds except such amount as may have been paid as accrued interest thereon shall be forthwith paid over by said treasurer into the treasury, and must be by him kept in a separate fund to be known and designated as the "Second San Francisco Seawall Fund" and must be used exclusively for the construction of wharves, piers, seawall, state railroad, spurs, betterments and appurtenances and necessary dredging and filling in connection therewith on the water front of the city and county of San Francisco. Drafts and warrants upon said fund shall be drawn upon and shall be paid out of said fund in the same manner as drafts and warrants are drawn upon and paid out of the San Francisco harbor improvement fund. The amount that shall have been paid at the sale of said bonds as accrued interest on the bonds sold shall be, by the state treasurer, immediately after such sale, paid into the treasury of the state and placed in the "Second San Francisco Seawall Sinking Fund."

Sec. 5. For the payment of the principal and interest of said bonds a sinking fund, to be known and designated as the "Second San Francisco Seawall Sinking Fund" shall be, and the same is hereby created, as follows, to wit: The state treasurer, after the second day of July, nineteen hundred and twenty-nine, shall on the first day of each and every month thereafter, after the sale of said bonds, take from the San Francisco harbor improvement fund such sum as, multiplied by the time in months, the bonds then sold and outstanding have to run, will equal the principal of the bonds sold and outstanding at the time said treasurer shall so take said sum from said San Francisco harbor improvement fund, less the amount theretofore taken therefrom for said purpose; and he shall place the sum in the second San Francisco seawall sinking fund created by this act. Said state treasurer shall, on controller's warrants duly drawn for that purpose, employ the moneys in said sinking fund in the purchase of bonds of the United States, or of the State of California, or of the several counties or municipalities of the State of California, which said bonds shall be kept in a proper receptacle, appropriately labeled; but he must keep always on hand a sufficient amount of money in said sinking fund with which to pay the interest on such of the state bonds herein provided to be issued as may have theretofore been sold. And to provide means for the payment of interest on the bonds that may be sold and outstanding, said treasurer shall monthly take from the San Francisco harbor improvement fund, and pay into said seawall sinking fund, an amount equal to the monthly interest then due on all bonds then sold, delivered and outstanding. The board of state harbor commissioners are hereby authorized and directed by the collection of dockage, tolls, rents, wharfage and cramage to collect a sum of money sufficient for the purposes of this act, over and above the amount limited by section two thousand five hundred and twenty-six of the Political Code of the State of California. Between the first and tenth day of May, in the year nineteen hundred and fifty-one and between the first and tenth day of May of each year thereafter until the maturity of said bonds, the said treasurer shall, in the presence of the governor, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund at that time, and shall thereupon and before the tenth day of June following, give notice by public advertisement to be inserted twice a week for two weeks

CHAPTER 383. An act authorizing the construction, acquisition, maintenance and control of a system of state highways in the State of California; specifying the work, fixing the payments to be made by counties for moneys expended therein; providing for the issuance and sale of state bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds; and providing for the submission of this act to a vote of the people.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A system of state highways in and for the State of California shall be constructed and acquired as and in the manner provided by law by the department of engineering of said state at a cost not to exceed eighteen million dollars. For the purpose of providing for the payment of the cost of the construction or acquisition of said system of said highways, the State of California is hereby authorized to incur an indebtedness in the manner provided by this act in the sum of eighteen million dollars.

Immediately after the issuance of the proclamation of the governor, as provided in section 11 of this act, the treasurer of the state shall prepare eighteen thousand suitable bonds of the State of California in the denomination of one thousand dollars each, to be numbered from 1 to 18,000 inclusive, and to bear the date of the third day of July, 1911. The total issue of said bonds shall not exceed the sum of eighteen million dollars and they shall bear interest at the rate of four per cent per annum from the date of issuance thereof. The said bonds and the interest thereon shall be payable in gold coin of the United States of the present standard of value at the office of the treasurer of said state at the times and in the manner following, to wit: The first four hundred of said bonds shall be due and payable on the third day of July, 1917, and four hundred of said bonds in consecutive numerical order shall be due and payable on the third day of July in each and every year thereafter until and including the third day of July, 1961. The interest accruing on all of said bonds that shall be sold shall be payable at the office of the treasurer of the state on the third day of January and the third day of July of each and every year after the sale of the same. The interest on all bonds issued and sold shall cease on the day of their maturity and the said bonds so issued and sold shall on the day of their maturity be paid as herein provided and canceled by the treasurer of said state. All bonds remaining unsold shall at the date of the maturity thereof be by the treasurer of the state canceled and destroyed. All bonds so canceled and destroyed shall be deemed to have been sold and the provisions of this act shall be signed by the governor of this state, countersigned by the state controller and endorsed by the state treasurer, and the said bonds shall be so signed, countersigned and endorsed by the officers who are in office on the third day of July, 1911, and each of said bonds shall have the great seal of the State of California impressed thereon. The said bonds signed, countersigned, endorsed and sealed as herein provided, when sold, shall be and constitute a valid and binding obligation upon the State of California, though the sale thereof be made at a date or dates after the person so signing, countersigning and endorsing, or either of them, shall have ceased to be the incumbents of said office or offices.

Sec. 2. Appended to each of said bonds there shall be interest coupons so attached that the same may be detached without injury to or mutilation of said bond. The said coupons shall be consecutively numbered and shall bear the lithographed signature of the state treasurer who shall be in office on the third day of July, 1911. No interest shall be paid on any of said bonds for such time as may intervene between the date of said bond and the day of sale thereof, unless such accrued interest shall have been, by the purchaser of said bond, paid to the state at the time of such sale.

Sec. 3. There shall be provided in the general appropriation bill sufficient money to defray all expenses that shall be incurred by the state treasurer in the preparation of said bonds and in the advertising of the sale thereof, as in this act provided.

Sec. 4. When the bonds authorized by this act to be issued shall have been signed, countersigned, endorsed and sealed as in section one provided, the state treasurer shall sell the same in such parcels and numbers as the governor of the state shall direct, to the highest bidder for cash. The governor of the state shall issue to the state treasurer such direction immediately after being requested so to do, through and by a resolution duly adopted and passed by a majority vote of the advisory board of the department of engineering. Said resolution shall specify the amount of money which, in the judgment of said advisory board shall be required at such time and the governor of the state shall direct the state treasurer to sell such number of said bonds as may be required to raise said amount of money and that said bonds shall be sold in consecutive numerical order commencing with the first four hundred thereof. The state treasurer shall not accept any bid which is less than the par value of the bond plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date. The state treasurer may at the time and place fixed by him for said sale continue such sale as to the whole or any part of the bonds offered to such time and place as he may at the time of such continuance designate. Before offering any of said bonds for sale, the said treasurer shall detach therefrom all coupons which have matured or will mature before the date fixed for such sale. The state treasurer shall give notice of the time and place of sale by publication in two newspapers published in the city and county of San Francisco and in one newspaper published in the city of Oakland, and in one newspaper published in the city of Los Angeles and in one newspaper published in the city of Sacramento once a week for four weeks next preceding the date fixed for such sale. In addition to the notice last above provided for, the state treasurer may give such further notice as he may deem advisable, but the expenses and cost of such additional notice shall not exceed the sum of five hundred dollars for each sale so advertised.

There is hereby created in and for the state treasury a fund

the people and for returning, canvassing and proclaiming the votes, and to such accepted provisions this act shall take effect immediately.

Sec. 10. This act shall be submitted to the people of the State of California for their ratification at the next general election to be holden in the month of November, 1910, A. D., and all ballots at said election shall have printed thereon, and at the end thereof, the words "For the state highway act"; and in a separate line, under the same, the words "Against the state highway act." Opposite said lines there shall be left spaces in which the voters may make or stamp a cross to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the state highway act," and all those voting against the said act shall do so by placing a cross opposite the words "Against the state highway act." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

Sec. 11. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers, and if it appears that said act shall have received a majority of all the votes cast for and against it at such election, as aforesaid, then the same shall have effect as hereinbefore provided and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof. But if a majority of the votes cast, as aforesaid, are against this act then the same shall be and become void.

Sec. 12. It shall be the duty of the secretary of state to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this state, for three months next preceding the general election to be holden in the month of November, A. D. nineteen hundred and ten; the cost of publication shall be paid out of the general fund, on controller's warrants duly drawn for the purpose.

Sec. 13. This act shall be known and cited as the "State Highway Act."

Sec. 14. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

P. A. STANTON,
Speaker of the Assembly.
W. R. PORTER,
President of the Senate.

Approved, March 22nd, A. D. 1909.
J. N. GILLET, Governor.

Endorsed: Filed in the office of the Secretary of State the 23 day of March, A. D. 1909, at 9:30 o'clock A. M. C. F. Curry, Secretary of State. By J. Hoesch, Deputy.

SENATE BILL NO. 227.

Passed the Senate, February 17, A. D. 1909. Lewis A. Hilborn, Secretary of the Senate.

Passed the Assembly, March 10, A. D. 1909. Clio Lloyd, Chief Clerk of the Assembly.

This bill was received by the Governor, this 15th day of March, A. D. 1909, at 3 o'clock P. M. E. C. Cooper, Private Secretary of the Governor.

CHAPTER 407. An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people.

The people of the State of California, represented in Senate and assembly, do enact as follows:

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness authorized to be incurred by the board of state harbor commissioners for the acquisition of the necessary area for a tidal basin, extending the area of India basin, on the water front of the city and county of San Francisco, as provided in an act entitled: "An act to authorize and direct the board of state harbor commissioners to institute condemnation proceedings against certain property north of India basin, and extending to Islais creek in the city and county of San Francisco, and extending the jurisdiction of said board over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an act entitled 'An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people,'" the state treasurer shall, immediately after the issuance of the proclamation of the governor, provided for in section 10 hereof, prepare one thousand suitable bonds of the State of California, in the denomination of one thousand dollars each. The whole issue of said bonds shall not exceed the sum of one million dollars, and said bonds shall bear interest at the rate of four per centum per annum, from the time of the sale thereof, and both principal and interest shall be payable in gold coin of the present standard value, and they shall be payable at the office of the state treasurer, at the expiration of seventy-four years from their date, subject, however, to redemption by lot as in this act hereinafter provided. Said bonds shall bear date the second day of January, A. D. 1911, and shall be made payable on the second day of January, A. D. 1985. The interest accruing on such of said bonds as are sold, shall be due and

the people and for returning, canvassing and proclaiming the votes, and to such accepted provisions this act shall take effect immediately.

Sec. 10. This act shall be submitted to the people of the State of California for their ratification at the next general election to be holden in the month of November, 1910, A. D., and all ballots at said election shall have printed thereon, and at the end thereof, the words "For the state highway act"; and in a separate line, under the same, the words "Against the state highway act." Opposite said lines there shall be left spaces in which the voters may make or stamp a cross to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the state highway act," and all those voting against the said act shall do so by placing a cross opposite the words "Against the state highway act." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

Sec. 11. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers, and if it appears that said act shall have received a majority of all the votes cast for and against it at such election, as aforesaid, then the same shall have effect as hereinbefore provided and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof. But if a majority of the votes cast, as aforesaid, are against this act then the same shall be and become void.

Sec. 12. It shall be the duty of the secretary of state to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this state, for three months next preceding the general election to be holden in the month of November, A. D. nineteen hundred and ten; the cost of publication shall be paid out of the general fund, on controller's warrants duly drawn for the purpose.

Sec. 13. This act shall be known and cited as the "State Highway Act."

Sec. 14. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

P. A. STANTON,
Speaker of the Assembly.
W. R. PORTER,
President of the Senate.

Approved, March 22nd, A. D. 1909.
J. N. GILLET, Governor.

Endorsed: Filed in the office of the Secretary of State the 23 day of March, A. D. 1909, at 9:30 o'clock A. M. C. F. Curry, Secretary of State. By J. Hoesch, Deputy.

SENATE BILL NO. 227.

Passed the Senate, February 17, A. D. 1909. Lewis A. Hilborn, Secretary of the Senate.

Passed the Assembly, March 10, A. D. 1909. Clio Lloyd, Chief Clerk of the Assembly.

This bill was received by the Governor, this 15th day of March, A. D. 1909, at 3 o'clock P. M. E. C. Cooper, Private Secretary of the Governor.

CHAPTER 407. An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people.

The people of the State of California, represented in Senate and assembly, do enact as follows:

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness authorized to be incurred by the board of state harbor commissioners for the acquisition of the necessary area for a tidal basin, extending the area of India basin, on the water front of the city and county of San Francisco, as provided in an act entitled: "An act to authorize and direct the board of state harbor commissioners to institute condemnation proceedings against certain property north of India basin, and extending to Islais creek in the city and county of San Francisco, and extending the jurisdiction of said board over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an act entitled 'An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people,'" the state treasurer shall, immediately after the issuance of the proclamation of the governor, provided for in section 10 hereof, prepare one thousand suitable bonds of the State of California, in the denomination of one thousand dollars each. The whole issue of said bonds shall not exceed the sum of one million dollars, and said bonds shall bear interest at the rate of four per centum per annum, from the time of the sale thereof, and both principal and interest shall be payable in gold coin of the present standard value, and they shall be payable at the office of the state treasurer, at the expiration of seventy-four years from their date, subject, however, to redemption by lot as in this act hereinafter provided. Said bonds shall bear date the second day of January, A. D. 1911, and shall be made payable on the second day of January, A. D. 1985. The interest accruing on such of said bonds as are sold, shall be due and

the people and for returning, canvassing and proclaiming the votes, and to such accepted provisions this act shall take effect immediately.

Sec. 10. This act shall be submitted to the people of the State of California for their ratification at the next general election to be holden in the month of November, 1910, A. D., and all ballots at said election shall have printed thereon, and at the end thereof, the words "For the state highway act"; and in a separate line, under the same, the words "Against the state highway act." Opposite said lines there shall be left spaces in which the voters may make or stamp a cross to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the state highway act," and all those voting against the said act shall do so by placing a cross opposite the words "Against the state highway act." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

Sec. 11. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers, and if it appears that said act shall have received a majority of all the votes cast for and against it at such election, as aforesaid, then the same shall have effect as hereinbefore provided and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof. But if a majority of the votes cast, as aforesaid, are against this act then the same shall be and become void.

Sec. 12. It shall be the duty of the secretary of state to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this state, for three months next preceding the general election to be holden in the month of November, A. D. nineteen hundred and ten; the cost of publication shall be paid out of the general fund, on controller's warrants duly drawn for the purpose.

Sec. 13. This act shall be known and cited as the "State Highway Act."

Sec. 14. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

P. A. STANTON,
Speaker of the Assembly.
W. R. PORTER,
President of the Senate.

Approved, March 22nd, A. D. 1909.
J. N. GILLET, Governor.

Endorsed: Filed in the office of the Secretary of State the 23 day of March, A. D. 1909, at 9:30 o'clock A. M. C. F. Curry, Secretary of State. By J. Hoesch, Deputy.

SENATE BILL NO. 227.

Passed the Senate, February 17, A. D. 1909. Lewis A. Hilborn, Secretary of the Senate.

Passed the Assembly, March 10, A. D. 1909. Clio Lloyd, Chief Clerk of the Assembly.

This bill was received by the Governor, this 15th day of March, A. D. 1909, at 3 o'clock P. M. E. C. Cooper, Private Secretary of the Governor.

CHAPTER 407. An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people.

The people of the State of California, represented in Senate and assembly, do enact as follows:

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness authorized to be incurred by the board of state harbor commissioners for the acquisition of the necessary area for a tidal basin, extending the area of India basin, on the water front of the city and county of San Francisco, as provided in an act entitled: "An act to authorize and direct the board of state harbor commissioners to institute condemnation proceedings against certain property north of India basin, and extending to Islais creek in the city and county of San Francisco, and extending the jurisdiction of said board over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an act entitled 'An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people,'" the state treasurer shall, immediately after the issuance of the proclamation of the governor, provided for in section 10 hereof, prepare one thousand suitable bonds of the State of California, in the denomination of one thousand dollars each. The whole issue of said bonds shall not exceed the sum of one million dollars, and said bonds shall bear interest at the rate of four per centum per annum, from the time of the sale thereof, and both principal and interest shall be payable in gold coin of the present standard value, and they shall be payable at the office of the state treasurer, at the expiration of seventy-four years from their date, subject, however, to redemption by lot as in this act hereinafter provided. Said bonds shall bear date the second day of January, A. D. 1911, and shall be made payable on the second day of January, A. D. 1985. The interest accruing on such of said bonds as are sold, shall be due and

the people and for returning, canvassing and proclaiming the votes, and to such accepted provisions this act shall take effect immediately.

Sec. 10. This act shall be submitted to the people of the State of California for their ratification at the next general election to be holden in the month of November, 1910, A. D., and all ballots at said election shall have printed thereon, and at the end thereof, the words "For the state highway act"; and in a separate line, under the same, the words "Against the state highway act." Opposite said lines there shall be left spaces in which the voters may make or stamp a cross to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the state highway act," and all those voting against the said act shall do so by placing a cross opposite the words "Against the state highway act." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

Sec. 11. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers, and if it appears that said act shall have received a majority of all the votes cast for and against it at such election, as aforesaid, then the same shall have effect as hereinbefore provided and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof. But if a majority of the votes cast, as aforesaid, are against this act then the same shall be and become void.

Sec. 12. It shall be the duty of the secretary of state to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this state, for three months next preceding the general election to be holden in the month of November, A. D. nineteen hundred and ten; the cost of publication shall be paid out of the general fund, on controller's warrants duly drawn for the purpose.

Sec. 13. This act shall be known and cited as the "State Highway Act."

Sec. 14. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

P. A. STANTON,
Speaker of the Assembly.
W. R. PORTER,
President of the Senate.

Approved, March 22nd, A. D. 1909.
J. N. GILLET, Governor.

Endorsed: Filed in the office of the Secretary of State the 23 day of March, A. D. 1909, at 9:30 o'clock A. M. C. F. Curry, Secretary of State. By J. Hoesch, Deputy.

SENATE BILL NO. 227.

Passed the Senate, February 17, A. D. 1909. Lewis A. Hilborn, Secretary of the Senate.

Passed the Assembly, March 10, A. D. 1909. Clio Lloyd, Chief Clerk of the Assembly.

This bill was received by the Governor, this 15th day of March, A. D. 1909, at 3 o'clock P. M. E. C. Cooper, Private Secretary of the Governor.

CHAPTER 407. An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people.

The people of the State of California, represented in Senate and assembly, do enact as follows:

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness authorized to be incurred by the board of state harbor commissioners for the acquisition of the necessary area for a tidal basin, extending the area of India basin, on the water front of the city and county of San Francisco, as provided in an act entitled: "An act to authorize and direct the board of state harbor commissioners to institute condemnation proceedings against certain property north of India basin, and extending to Islais creek in the city and county of San Francisco, and extending the jurisdiction of said board over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an act entitled 'An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people,'" the state treasurer shall, immediately after the issuance of the proclamation of the governor, provided for in section 10 hereof, prepare one thousand suitable bonds of the State of California, in the denomination of one thousand dollars each. The whole issue of said bonds shall not exceed the sum of one million dollars, and said bonds shall bear interest at the rate of four per centum per annum, from the time of the sale thereof, and both principal and interest shall be payable in gold coin of the present standard value, and they shall be payable at the office of the state treasurer, at the expiration of seventy-four years from their date, subject, however, to redemption by lot as in this act hereinafter provided. Said bonds shall bear date the second day of January, A. D. 1911, and shall be made payable on the second day of January, A. D. 1985. The interest accruing on such of said bonds as are sold, shall be due and

the people and for returning, canvassing and proclaiming the votes, and to such accepted provisions this act shall take effect immediately.

Sec. 10. This act shall be submitted to the people of the State of California for their ratification at the next general election to be holden in the month of November, 1910, A. D., and all ballots at said election shall have printed thereon, and at the end thereof, the words "For the state highway act"; and in a separate line, under the same, the words "Against the state highway act." Opposite said lines there shall be left spaces in which the voters may make or stamp a cross to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the state highway act," and all those voting against the said act shall do so by placing a cross opposite the words "Against the state highway act." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

Sec. 11. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers, and if it appears that said act shall have received a majority of all the votes cast for and against it at such election, as aforesaid, then the same shall have effect as hereinbefore provided and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof. But if a majority of the votes cast, as aforesaid, are against this act then the same shall be and become void.

Sec. 12. It shall be the duty of the secretary of state to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this state, for three months next preceding the general election to be holden in the month of November, A. D. nineteen hundred and ten; the cost of publication shall be paid out of the general fund, on controller's warrants duly drawn for the purpose.

Sec. 13. This act shall be known and cited as the "State Highway Act."

Sec. 14. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

P. A. STANTON,
Speaker of the Assembly.
W. R. PORTER,
President of the Senate.

Approved, March 22nd, A. D. 1909.
J. N. GILLET, Governor.

Endorsed: Filed in the office of the Secretary of State the 23 day of March, A. D. 1909, at 9:30 o'clock A. M. C. F. Curry, Secretary of State. By J. Hoesch, Deputy.

SENATE BILL NO. 227.

Passed the Senate, February 17, A. D. 1909. Lewis A. Hilborn, Secretary of the Senate.

Passed the Assembly, March 10, A. D. 1909. Clio Lloyd, Chief Clerk of the Assembly.

This bill was received by the Governor, this 15th day of March, A. D. 1909, at 3 o'clock P. M. E. C. Cooper, Private Secretary of the Governor.

CHAPTER 407. An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people.

The people of the State of California, represented in Senate and assembly, do enact as follows:

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness authorized to be incurred by the board of state harbor commissioners for the acquisition of the necessary area for a tidal basin, extending the area of India basin, on the water front of the city and county of San Francisco, as provided in an act entitled: "An act to authorize and direct the board of state harbor commissioners to institute condemnation proceedings against certain property north of India basin, and extending to Islais creek in the city and county of San Francisco, and extending the jurisdiction of said board over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an act entitled 'An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people,'" the state treasurer shall, immediately after the issuance of the proclamation of the governor, provided for in section 10 hereof, prepare one thousand suitable bonds of the State of California, in the denomination of one thousand dollars each. The whole issue of said bonds shall not exceed the sum of one million dollars, and said bonds shall bear interest at the rate of four per centum per annum, from the time of the sale thereof, and both principal and interest shall be payable in gold coin of the present standard value, and they shall be payable at the office of the state treasurer, at the expiration of seventy-four years from their date, subject, however, to redemption by lot as in this act hereinafter provided. Said bonds shall bear date the second day of January, A. D. 1911, and shall be made payable on the second day of January, A. D. 1985. The interest accruing on such of said bonds as are sold, shall be due and

the people and for returning, canvassing and proclaiming the votes, and to such accepted provisions this act shall take effect immediately.

Sec. 10. This act shall be submitted to the people of the State of California for their ratification at the next general election to be holden in the month of November, 1910, A. D., and all ballots at said election shall have printed thereon, and at the end thereof, the words "For the state highway act"; and in a separate line, under the same, the words "Against the state highway act." Opposite said lines there shall be left spaces in which the voters may make or stamp a cross to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the state highway act," and all those voting against the said act shall do so by placing a cross opposite the words "Against the state highway act." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

Sec. 11. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers, and if it appears that said act shall have received a majority of all the votes cast for and against it at such election, as aforesaid, then the same shall have effect as hereinbefore provided and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof. But if a majority of the votes cast, as aforesaid, are against this act then the same shall be and become void.

Sec. 12. It shall be the duty of the secretary of state to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this state, for three months next preceding the general election to be holden in the month of November, A. D. nineteen hundred and ten; the cost of publication shall be paid out of the general fund, on controller's warrants duly drawn for the purpose.

Sec. 13. This act shall be known and cited as the "State Highway Act."

Sec. 14. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

P. A. STANTON,
Speaker of the Assembly.
W. R. PORTER,
President of the Senate.

Approved, March 22nd, A. D. 1909.
J. N. GILLET, Governor.

Endorsed: Filed in the office of the Secretary of State the 23 day of March, A. D. 1909, at 9:30 o'clock A. M. C. F. Curry, Secretary of State. By J. Hoesch, Deputy.

SENATE BILL NO. 227.

Passed the Senate, February 17, A. D. 1909. Lewis A. Hilborn, Secretary of the Senate.

Passed the Assembly, March 10, A. D. 1909. Clio Lloyd, Chief Clerk of the Assembly.

This bill was received by the Governor, this 15th day of March, A. D. 1909, at 3 o'clock P. M. E. C. Cooper, Private Secretary of the Governor.

CHAPTER 407. An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people.

The people of the State of California, represented in Senate and assembly, do enact as follows:

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness authorized to be incurred by the board of state harbor commissioners for the acquisition of the necessary area for a tidal basin, extending the area of India basin, on the water front of the city and county of San Francisco, as provided in an act entitled: "An act to authorize and direct the board of state harbor commissioners to institute condemnation proceedings against certain property north of India basin, and extending to Islais creek in the city and county of San Francisco, and extending the jurisdiction of said board over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an act entitled 'An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people,'" the state treasurer shall, immediately after the issuance of the proclamation of the governor, provided for in section 10 hereof, prepare one thousand suitable bonds of the State of California, in the denomination of one thousand dollars each. The whole issue of said bonds shall not exceed the sum of one million dollars, and said bonds shall bear interest at the rate of four per centum per annum, from the time of the sale thereof, and both principal and interest shall be payable in gold coin of the present standard value, and they shall be payable at the office of the state treasurer, at the expiration of seventy-four years from their date, subject, however, to redemption by lot as in this act hereinafter provided. Said bonds shall bear date the second day of January, A. D. 1911, and shall be made payable on the second day of January, A. D. 1985. The interest accruing on such of said bonds as are sold, shall be due and

the people and for returning, canvassing and proclaiming the votes, and to such accepted provisions this act shall take effect immediately.

Sec. 10. This act shall be submitted to the people of the State of California for their ratification at the next general election to be holden in the month of November, 1910, A. D., and all ballots at said election shall have printed thereon, and at the end thereof, the words "For the state highway act"; and in a separate line, under the same, the words "Against the state highway act." Opposite said lines there shall be left spaces in which the voters may make or stamp a cross to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the state highway act," and all those voting against the said act shall do so by placing a cross opposite the words "Against the state highway act." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

Sec. 11. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers, and if it appears that said act shall have received a majority of all the votes cast for and against it at such election, as aforesaid, then the same shall have effect as hereinbefore provided and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof. But if a majority of the votes cast, as aforesaid, are against this act then the same shall be and become void.

Sec. 12. It shall be the duty of the secretary of state to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this state, for three months next preceding the general election to be holden in the month of November, A. D. nineteen hundred and ten; the cost of publication shall be paid out of the general fund, on controller's warrants duly drawn for the purpose.

Sec. 13. This act shall be known and cited as the "State Highway Act."

Sec. 14. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

P. A. STANTON,
Speaker of the Assembly.
W. R. PORTER,
President of the Senate.

Approved, March 22nd, A. D. 1909.
J. N. GILLET, Governor.

Endorsed: Filed in the office of the Secretary of State the 23 day of March, A. D. 1909, at 9:30 o'clock A. M. C. F. Curry, Secretary of State. By J. Hoesch, Deputy.

SENATE BILL NO. 227.

Passed the Senate, February 17, A. D. 1909. Lewis A. Hilborn, Secretary of the Senate.

Passed the Assembly, March 10, A. D. 1909. Clio Lloyd, Chief Clerk of the Assembly.

This bill was received by the Governor, this 15th day of March, A. D. 1909, at 3 o'clock P. M. E. C. Cooper, Private Secretary of the Governor.

CHAPTER 407. An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of

same manner as drafts and warrants are drawn upon and paid out of the San Francisco harbor improvement fund. The amount that shall have been paid at the sale of said bonds as accrued interest on the bonds sold shall be, by the state treasurer, immediately after such sale, paid into the treasury of the state and placed in the "Second San Francisco Seawall Sinking Fund."

SEC. 5. For the payment of the principal and interest of said bonds a sinking fund, to be known and designated as the "Second San Francisco Seawall Sinking Fund" shall be, and the same is hereby created, as follows, to wit: The state treasurer, after the second day of July, nineteen hundred and twenty-nine, shall on the first day of each and every month thereafter, after the sale of said bonds, take from the San Francisco harbor improvement fund such sum as, multiplied by the time in months, the bonds then sold and outstanding have to run, will equal the principal of the bonds sold and outstanding at the time said treasurer shall so take said sum from said San Francisco harbor improvement fund, less the amount theretofore taken therefrom for said purpose; and he shall place the sum in the second San Francisco seawall sinking fund created by this act. Said state treasurer shall, on controller's warrants duly drawn for that purpose, employ the moneys in said sinking fund in the purchase of bonds of the United States, or of the State of California, or of the several counties or municipalities of the State of California, which said bonds shall be kept in a proper receptacle, appropriately labeled; but he must keep always on hand a sufficient amount of money in said sinking fund with which to pay the interest on such of the state bonds herein provided to be issued as may have theretofore been sold. And to provide means for the payment of interest on the bonds that may be sold and outstanding, said treasurer shall monthly take from the San Francisco harbor improvement fund, and pay into said seawall sinking fund, an amount equal to the monthly interest then due on all bonds then sold, delivered and outstanding. The board of state harbor commissioners are hereby authorized and directed by the collection of dockage, tolls, rents, wharfage and cranage to collect a sum of money sufficient for the purposes of this act, over and above the amount limited by section two thousand five hundred and twenty-six of the Political Code of the State of California. Between the first and tenth day of May, in the year nineteen hundred and fifty-one and between the first and tenth day of May of each year thereafter until the maturity of said bonds, the said treasurer shall, in the presence of the governor, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund at that time, and shall thereupon and before the tenth day of June following, give notice by public advertisement to be inserted twice a week for two weeks in two newspapers published in the city and county of San Francisco, and also in one newspaper published in the city of Oakland, and also in one newspaper published in the city of Los Angeles, and also in one newspaper published in the city of Sacramento, stating the number of bonds so drawn and that the principal of said bonds will be paid on presentation to the treasurer on or before the second day of July, following, and that from and after such last named date, all interest upon bonds thus drawn shall cease, and it shall be the duty of the treasurer as soon as said bonds so drawn by lot are surrendered to him and paid to cancel the same, and the interest coupons thereon, and each year beginning with the year nineteen hundred and fifty-one, the said treasurer shall, in the manner aforesaid, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund, and proceed in the manner hereinabove stated. After the payment of all said bonds, the surplus or balance remaining in said sinking fund, if any there be, shall forthwith be paid into the San Francisco harbor improvement fund. At the time of the respective drawings by lot, as aforesaid, and also at the maturity of said state bonds, said treasurer shall sell the United States or other bonds then in said sinking fund, at governing market rates, after advertising the sale thereof in the manner hereinbefore provided for the sale of bonds hereby authorized to be issued, and shall use the proceeds for the payment of such bonds as may be drawn by lot, and at the maturity of said bonds outstanding shall pay and redeem said matured outstanding bonds out of said moneys in said fund in extinguishment of said bonds on controller's warrants duly drawn for that purpose.

without injury to or mutilation of said bond. The said coupons shall be consecutively numbered and shall bear the lithographed signature of the state treasurer who shall be in office on the third day of July, 1911. No interest shall be paid on any of said bonds for such time as may intervene between the date of said bond and the day of sale thereof, unless such accrued interest shall have been, by the purchaser of said bond, paid to the state at the time of such sale.

SEC. 3. There shall be provided in the general appropriation bill sufficient money to defray all expenses that shall be incurred by the state treasurer in the preparation of said bonds and in the advertising of the sale thereof, as in this act provided.

SEC. 4. When the bonds authorized by this act to be issued shall have been signed, countersigned, endorsed and sealed as in section one provided, the state treasurer shall sell the same in such parcels and numbers as the governor of the state shall direct, to the highest bidder for cash. The governor of the state shall issue to the state treasurer such direction immediately after being requested so to do, through and by a resolution duly adopted and passed by a majority vote of the advisory board of the department of engineering. Said resolution shall specify the amount of money which, in the judgment of said advisory board shall be required at such time and the governor of the state shall direct the state treasurer to sell such number of said bonds as may be required to raise said amount of money and that said bonds shall be sold in consecutive numerical order commencing with the first four hundred thereof. The state treasurer shall not accept any bid which is less than the par value of the bond plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date. The state treasurer may at the time and place fixed by him for said sale continue such sale as to the whole or any part of the bonds offered to such time and place as he may at the time of such continuance designate. Before offering any of said bonds for sale, the said treasurer shall detach therefrom all coupons which have matured or will mature before the date fixed for such sale. The state treasurer shall give notice of the time and place of sale by publication in two newspapers published in the city and county of San Francisco and in one newspaper published in the city of Oakland, and in one newspaper published in the city of Los Angeles and in one newspaper published in the city of Sacramento once a week for four weeks next preceding the date fixed for such sale. In addition to the notice last above provided for, the state treasurer may give such further notice as he may deem advisable, but the expenses and cost of such additional notice shall not exceed the sum of five hundred dollars for each sale so advertised.

There is hereby created in and for the state treasury a fund to be known and designated as the "State Highway Fund," and immediately after such sale of bonds the treasurer of the state shall pay into the state treasury and cause to be placed in said state highway fund the total amount received for said bonds, except such amount as may have been paid as accrued interest thereon. The amount that shall have been paid at such sale as accrued interest on the bonds sold shall be by the treasurer of the state, immediately after such sale, paid into the treasury of the state and placed in the interest and sinking fund.

The moneys placed in the state highway fund, pursuant to the provisions of this section, shall be used exclusively for the acquisition of rights of way for and the acquisition and construction of said system of state highways. The route or routes of said state highways shall be selected by the department of engineering and said route shall be so selected and said highways so laid out and constructed or acquired as to constitute a continuous and connected state highway system running north and south through the state traversing the Sacramento and San Joaquin valleys and along the Pacific coast by the most direct and practicable routes, connecting the county seats of the several counties through which it passes and joining the centers of population, together with such branch roads as may be necessary to connect therewith the several county seats lying east and west of such state highway.

Moneys shall be drawn from said state highway fund for the purposes of this act upon warrants duly drawn by the controller of the state upon demands made by the department of engineering and audited by the state board of examiners.

SEC. 5. There is hereby appropriated from the general fund in the state treasury such sum annually as will be necessary

CHAPTER 407. An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people.

The people of the State of California, represented in Senate and assembly, do enact as follows:

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness authorized to be incurred by the board of state harbor commissioners for the acquisition of the necessary area for a tidal basin, extending the area of India basin, on the water front of the city and county of San Francisco, as provided in an act entitled: "An act to authorize and direct the board of state harbor commissioners to institute condemnation proceedings against certain property north of India basin, and extending to Islais creek in the city and county of San Francisco, and extending the jurisdiction of said board over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an act entitled 'An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people,'" the state treasurer shall, immediately after the issuance of the proclamation of the governor, provided for in section 10 hereof, prepare one thousand suitable bonds of the State of California, in the denomination of one thousand dollars each. The whole issue of said bonds shall not exceed the sum of one million dollars, and said bonds shall bear interest at the rate of four per centum per annum, from the time of the sale thereof, and both principal and interest shall be payable in gold coin of the present standard value, and they shall be payable at the office of the state treasurer, at the expiration of seventy-four years from their date, subject, however, to redemption by lot as in this act hereinafter provided. Said bonds shall bear date the second day of January, A. D. 1911, and shall be made payable on the second day of January, A. D. 1985. The interest accruing on such of said bonds as are sold, shall be due and payable at the office of the state treasurer, on the second day of January, and on the second day of July, of each year after the sale of the same; provided that the first payment of interest shall be made on the second day of January, A. D. 1912, on so many of said bonds as may have been theretofore sold. At the expiration of seventy-four years from the date of said bonds, all bonds sold shall cease to bear interest, and likewise all bonds redeemed by lot shall cease to bear interest, as in this act provided, and the said state treasurer shall call in, forthwith pay and cancel the same, out of moneys in the "India Basin Sinking Fund," provided for in this act, and, he, shall on the first Monday of January, A. D. 1985, also cancel and destroy all bonds not theretofore sold. All bonds issued shall be signed by the governor, and countersigned by the controller, and shall be endorsed by the state treasurer, and each shall have the seal of the state stamped thereon. Each bond shall contain a clause that it is subject to redemption by lot after the year nineteen hundred and thirty-nine.

SEC. 2. Interest coupons shall be attached to each of said bonds, so that such coupons may be removed without injury to or mutilation of the bond. Said coupons shall be consecutively numbered, and shall be signed by the state treasurer. But no interest on any of said bonds shall be paid for any time which may intervene between the date of any of said bonds, and the issue and sale thereof to a purchaser.

SEC. 3. The sum of one thousand dollars is hereby appropriated to pay the expense that may be incurred by the state treasurer in having said bonds prepared. Said amount shall be paid out of the "San Francisco Harbor Improvement Fund," on controller's warrants, duly drawn for that purpose.

....., California:

th session, beginning on the fourth day of January, A. D. 1909, and ending on the twenty-fourth day of March, A. D. 1909, two thirds of al
ifornia, prepared and distinguished by numbers, to wit: Senate Constitutional Amendment No. 1; Senate Constitutional Amendment No. 1
No. 14, all of which said Constitutional Amendments were duly passed by the Senate and Assembly of the State of California in the manne

provide for the issuance and sale of state bonds to create a fund for the improvement of San Francisco harbor by the construction by the boar
provide for the issuance and sale of state bonds to create a fund for the improvement of San Francisco harbor by the construction by the boar

Section 10. All property, except as otherwise in this constitution provided, shall be assessed in the county, city, city and county, town or township, or district in which it is situated, in the manner prescribed by law.

Section 25. The people shall have the right to fish upon and from the public lands of the state and in the waters thereof excepting upon lands set aside for fish hatcheries, and no land owned by the state shall ever be sold or transferred without

SEC. 5. For the payment of the principal and interest on bonds a sinking fund, to be known and designated as the San Francisco Seawall Sinking Fund" shall be, and is hereby created, as follows, to wit: The state treasurer on the second day of July, nineteen hundred and twenty, on the first day of each and every month thereafter sale of said bonds, take from the San Francisco harbor improvement fund such sum as, multiplied by the time the bonds then sold and outstanding have to run, will pay the principal of the bonds sold and outstanding at the time the bonds are sold. The treasurer shall so take said sum from said harbor improvement fund, less the amount thereof for said purpose; and he shall place the same in the second San Francisco seawall sinking fund created by said state treasurer shall, on controller's warrant for that purpose, employ the moneys in said sinking fund to purchase of bonds of the United States, or of the State of California, or of the several counties or municipalities of California, which said bonds shall be kept in a receptacle, appropriately labeled; but he must keep on hand a sufficient amount of money in said sinking fund which to pay the interest on such of the state bonds as may be issued as may have theretofore been issued, and provide means for the payment of interest on such of the bonds as may be sold and outstanding, said treasurer shall from the San Francisco harbor improvement fund, said seawall sinking fund, an amount equal to the interest then due on all bonds then sold, delivered to the sinking fund. The board of state harbor commissioners authorized and directed by the collection of dockage, wharfage and crange to collect a sum of money for the purposes of this act, over and above the amount provided for in section two thousand five hundred and twenty-six of the Code of the State of California. Between the first day of May, in the year nineteen hundred and twenty, and between the first and tenth day of May of each year until the maturity of said bonds, the said treasurer in the presence of the governor, proceed to draw by lot such sum of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund at that time, and upon and before the tenth day of June following, to publish advertisement to be inserted twice a week in two newspapers published in the city and county of San Francisco, and also in one newspaper published in Oakland, and also in one newspaper published in Los Angeles, and also in one newspaper published in Sacramento, stating the number of bonds so drawn by lot, principal of said bonds will be paid on or before the second day of July, and that from and after such last named date, all bonds thus drawn shall cease, and it shall be the duty of the treasurer as soon as said bonds so drawn by lot are paid to him and paid to cancel the same, and the interest thereon, and each year beginning with the year nineteen hundred and fifty-one, the said treasurer shall, in the presence of the governor, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund, and proceed in the manner herein provided. After the payment of all said bonds, the surplus remaining in said sinking fund, if any there be, shall be paid into the San Francisco harbor improvement fund at the time of the respective drawings by lot, as aforesaid, at the maturity of said state bonds, said treasurer shall, on or before the second day of July, in each year, draw by lot such an amount of United States or other bonds then in said sinking fund as shall be requisite to exhaust as nearly as may be the amount in said sinking fund, and proceed in the manner herein provided for the sale of such bonds, and shall use the proceeds of such bonds as may be drawn by lot, and all of said bonds outstanding shall pay and redeem outstanding bonds out of said moneys in said sinking fund, and shall use the proceeds of such bonds for the purpose of paying said bonds on controller's warrants duly drawn and issued.

AND WHEREAS said Legislature duly passed an act entitled: "An Act to provide for the issuance and sale of stocks and bonds of the City and County of San Francisco; to create appurtenances and necessary dredging and filling in connection therewith in the city and county of San Francisco; to create

and assessed upon such shares or capital stock an annual tax, payable to the state, of six tenths of one per centum upon the value thereof. The value of each share of stock in each bank, except such as are in liquidation, shall be taken to be the amount paid in thereon, together with its pro rata of the accumulated surplus and undivided profits. The value of each share of stock in each bank which is in liquidation shall be taken to be its pro rata of the actual assets of such bank. This tax shall be in lieu of all other taxes and licenses, state, county and municipal, upon such shares of stock and upon the property of such banks, except county and municipal taxes on real estate and except as otherwise in this section provided. In determining the value of the capital stock of any bank there shall be deducted from the value, as defined above, the value, as assessed for county taxes, of any real estate other than mortgage interests therein, owned by such bank and taxed for county purposes. The banks shall be liable to the state for this tax and the same shall be paid to the state by them on behalf of the stockholders in the manner and at the time prescribed by law, and they shall have a lien upon the shares of stock and upon any dividends declared thereon to secure the amount so paid.

SENATE CONSTITUTIONAL AMENDMENT NO. 38.

Proposed Amendments to the C

To be voted upon at the next GE

SENATE CONSTITUTIONAL AMENDMENT NO. 1.

Adopted in Senate, March 9, A. D. 1909. Lewis A. Hilborn, Secretary of the Senate.

Adopted in Assembly, March 12, A. D. 1909. Clio Lloyd, Chief Clerk of the Assembly.

This resolution was received by the Governor, this 18th day of March, A. D. 1909. E. C. Cooper, Private Secretary of the Governor.

CHAPTER 33. Senate Constitutional Amendment No. 1.—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California providing for the separation of state and local taxation, providing for the taxation of public service and other corporations for the benefit of the state, and to that end adding to article thirteen a new section to be numbered section fourteen, amending section ten of article thirteen, and repealing section ten of article eleven thereof, all relating to revenue and taxation.

WHEREAS, It is deemed desirable to separate the sources of revenue for state purposes from the sources of revenue for county and municipal purposes; now, therefore,

The legislature of the State of California, at its regular session, commencing on the fourth day of January, nineteen hundred and nine, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to the constitution of the State of California:

First: There is hereby added to article thirteen a new section to be numbered fourteen and to read as follows:

Section 14. Taxes levied, assessed and collected as herein-after provided upon railroads, including street railways, whether operated in one or more counties; sleeping car, dining car, drawing-room car and palace car companies, refrigerator, oil, stock, fruit, and other car loading and other car companies operating upon railroads in this state; companies doing express business upon any railroad, steamboat, vessel or stage line in this state; telegraph companies; telephone companies; companies engaged in the transmission or sale of gas or electricity; insurance companies; banks, banking associations, savings and loan societies, and trust companies; and taxes upon all franchises of every kind and nature, shall be entirely and exclusively for state purposes, and shall be levied, assessed and collected in the manner herein-after provided. The word "companies" as used in this section shall include persons, partnerships, joint-stock associations, companies, and corporations.

(a) All railroad companies, including street railways, whether operated in one or more counties; all sleeping car, dining car, drawing-room car, and palace car companies, all refrigerator, oil, stock, fruit and other car-loading and other car companies, operating upon the railroads in this state; all companies doing express business on any railroad, steamboat, vessel or stage line in this state; all telegraph and telephone companies; and all companies engaged in the transmission or sale of gas or electricity shall annually pay to the state a tax upon their franchises, roadways, roadbeds, rails, rolling stock, poles, wires, pipes, canals, conduits, rights of way, and other property, or any part thereof, used exclusively in the operation of their business in this state, computed as follows: Said tax shall be equal to the percentages hereinafter fixed upon the gross receipts from operation of such companies and each thereof within this state. When such companies are operating partly within and partly without this state, the gross receipts within this state shall be deemed to be all receipts on business beginning and ending within this state, and a proportion, based upon the proportion of the mileage within

Third. Section ten of article eleven of said constitution is hereby repealed.

W. R. PORTER,
President of the Senate.
P. A. STANTON,
Speaker of the Assembly.

Attest:

C. F. CURRY, Secretary of State.
Endorsed: Filed in the office of the Secretary of State the 20 day of March, A. D. 1909, at 10:30 o'clock A. M. C. F. Curry, Secretary of State. By J. Hoesch, Deputy.

SENATE CONSTITUTIONAL AMENDMENT NO. 11.

Adopted in Senate, February 25, A. D. 1909. Lewis A. Hilborn, Secretary of the Senate.

Adopted in Assembly, March 1, A. D. 1909. Clio Lloyd, Chief Clerk of the Assembly.

This resolution was received by the Governor this 12th day of March, A. D. 1909. E. C. Cooper, Private Secretary of the Governor.

CHAPTER 26. Senate Constitutional Amendment No. 11.—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California, providing that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money repaid by such debt, shall be exempt from taxation, and to that end amending section one and repealing section four of article thirteen of the constitution of the State of California.

The legislature of the State of California, at its regular session, commencing the fourth day of January, nineteen hundred and nine, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to the constitution of the State of California:

First. Section one of article thirteen is hereby amended to read as follows:

Section 1. All property in this state except as otherwise in this constitution provided, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law, or as hereinafter provided. The word "property," as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership; provided, that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall not be considered property subject to taxation; and further provided, that property used for free public libraries and free museums, growing crops, property used exclusively for public schools, and any such as may belong to the United States, this state, or to any county or municipal corporation within this state shall be exempt from taxation. The legislature may provide, except in the case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this state.

Second. Section four of article thirteen is hereby repealed.

W. R. PORTER,
President of the Senate.
P. A. STANTON,
Speaker of the Assembly.

Attest:

C. F. CURRY, Secretary of State.
Endorsed: Filed in the office of the Secretary of State the 16 day of March, A. D. 1909, at 12:15 o'clock P. M. C. F. Curry,

reserving in the people the absolute right to fish in no law shall ever be passed making it a crime to enter upon the public lands within this state for fishing in any water containing fish that have therein by the state; provided, that the legislative statute, provide for the season when and the conditions which the different species of fish may be taken.

P. A. STANTON,
Speaker of the Assembly.
W. R. PORTER,
President of the Senate.

Attest:

C. F. CURRY, Secretary of State.
Endorsed: Filed in the office of the Secretary of State the 16 day of March, A. D. 1909, at 3:45 o'clock P. M. Secretary of State. By J. Hoesch, Deputy.

SENATE BILL NO. 485.

Passed the Senate, March 8, A. D. 1909. Lewis A. Hilborn, Secretary of the Senate.

Passed the Assembly, March 15, A. D. 1909. Clio Lloyd, Chief Clerk of the Assembly.

This bill was received by the Governor this 16 day of March, A. D. 1909, at 11 o'clock A. M. E. C. Cooper, Secretary of the Governor.

CHAPTER 320. An act to provide for the issue of state bonds to create a fund for the improvement of the San Francisco harbor by the construction by the board of harbor commissioners of wharves, piers, state railroad, spurs, appurtenances and necessary dredging and filling in connection therewith in the city and county of San Francisco; to create a sinking fund for the payment of the interest on said bonds; to define the duties of state officers in relation to the said bonds; and to provide for the submission of the act to a vote of the people.

The people of the State of California, represented in assembly, do enact as follows:

SECTION 1. For the purpose of providing payment of the indebtedness hereby authorized by the board of state harbor commissioners for wharves, piers, seawall, state railroad, spurs, appurtenances and necessary dredging and filling therewith in the city and county of San Francisco not to exceed nine million dollars (which said seawall, state railroad, spurs, betterments and necessary dredging and filling in connection with the said harbor improvements are hereby authorized to construct and do in the manner, authorized by law not to exceed said nine million dollars), the governor, provided for in section 10 hereof, shall, immediately after the issuance of the bonds, provide for the issuance of the bonds of the State of California, in the sum of one thousand dollars each. The bonds shall not exceed the sum of nine million dollars, and shall bear interest at the rate of four per centum, from the date of issuance thereof, and interest shall be payable in gold coin of the value, and they shall be payable at the office of the treasurer, at the expiration of seventy-four years, subject, however, to redemption by lot as in this act provided. Said bonds shall bear date the second day of July, nineteen hundred and eleven, and shall on the second day of July, nineteen hundred and eleven, be deposited in the state treasury. The interest accruing on such of said bonds as are not payable at the office of the state treasurer

people of the State of California; represented in Senate and assembly, do enact as follows:

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness authorized to be incurred by the board of state harbor commissioners for the acquisition of the necessary area for a tidal basin, extending the area of India Basin, on the water front of the city and county of San Francisco, as provided in an act entitled: "An act to authorize and empower the board of state harbor commissioners to institute condemnation proceedings against certain property north of the city of San Francisco, and extending the jurisdiction of said board over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an act entitled 'An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people,'" the state treasurer shall, immediately after the issuance of the proclamation of the governor, provided in section 10 hereof, prepare one thousand suitable bonds of the State of California, in the denomination of one thousand dollars each. The whole issue of said bonds shall not exceed the sum of one million dollars, and said bonds shall bear interest at the rate of four per centum per annum, from the time of the sale of said bonds, and both principal and interest shall be payable in gold of the present standard value, and they shall be payable to the order of the state treasurer, at the expiration of seventy years from their date, subject, however, to redemption by the state treasurer in this act hereinafter provided. Said bonds shall bear date on the second day of January, A. D. 1911, and shall be made payable on the second day of January, A. D. 1985. The interest on such of said bonds as are sold, shall be due and payable at the office of the state treasurer, on the second day of January, and on the second day of July, of each year after the date of the same; provided that the first payment of interest shall be made on the second day of January, A. D. 1912, on so much of said bonds as may have been theretofore sold. At the expiration of seventy-four years from the date of said bonds, all said bonds shall cease to bear interest, and likewise all bonds issued by lot shall cease to bear interest, as in this act provided, and the said state treasurer shall call in, forthwith pay and cancel the same, out of moneys in the "India Basin Sink-Fund," provided for in this act, and, he, shall on the Monday of January, A. D. 1985, also cancel and destroy said bonds not theretofore sold. All bonds issued shall be signed by the governor, and countersigned by the controller, and shall be countersigned by the state treasurer, and each shall have the seal of the state stamped thereon. Each bond shall contain a clause that it is subject to redemption by lot after the year nineteen hundred and thirty-nine.

SECTION 2. Interest coupons shall be attached to each of said bonds, so that such coupons may be removed without injury to the bond. Said coupons shall be consecutively numbered, and shall be signed by the state treasurer. But no interest on any of said bonds shall be paid for any time which intervenes between the date of any of said bonds, and the date of sale thereof to a purchaser.

SECTION 3. The sum of one thousand dollars is hereby appropriated to pay the expense that may be incurred by the state treasurer in having said bonds prepared. Said amount shall be paid out of the "San Francisco Harbor Improvement Fund," on warrants, duly drawn for that purpose.

the general fund, on warrants, duly drawn for that purpose.

SECTION 12. This act shall be known and cited as the "India Basin Act."

SECTION 13. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

W. R. PORTER,
President of the Senate.
P. A. STANTON,
Speaker of the Assembly.

Approved, March 24th, A. D. 1909.

J. N. GILLET, Governor.

Endorsed: Filed in the office of the Secretary of State the 25 day of March, A. D. 1909, at 9:30 o'clock A. M. C. F. Curry, Secretary of State. By J. Hoesch, Deputy.

SENATE BILL NO. 464.

Passed the Senate, March 12, A. D. 1909. Lewis A. Hilborn, Secretary of the Senate.

Passed the Assembly, March 20, A. D. 1909. Clio Lloyd, Chief Clerk of the Assembly.

This bill was received by the Governor, this 23d day of March, A. D. 1909, at 5 o'clock P. M. E. C. Cooper, Private Secretary of the Governor.

CHAPTER 623. An Act to provide for the issuance and sale of state bonds to create a fund for the construction by the board of state harbor commissioners for the bay of San Diego of harbor improvements consist of a seawall, wharves, piers, state railroad, spurs, betterments and appurtenances in the county of San Diego; to create a sinking fund for the payment of said bonds; to define the duties of state officers in relation thereto; to make an appropriation of one thousand five hundred dollars for the expense of printing said bonds, and to provide for the submission of this act to a vote of the people.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness hereby authorized to be incurred by the board of state harbor commissioners for the bay of San Diego for harbor improvements consist of for the erection of a seawall, wharves, piers, state railroad, spurs, betterments and appurtenances in the county of San Diego, at a cost not to exceed one million five hundred thousand dollars, which said seawall, wharves, piers, state railroad, spurs, betterments and appurtenances the said board of state harbor commissioners for San Diego bay are hereby empowered to construct in the manner authorized by law, at a cost not to exceed one million five hundred thousand dollars, the state treasurer shall, immediately after the issuance of the proclamation of the governor provided for in section ten of this act, prepare fifteen hundred suitable bonds of the State of California in the denomination of one thousand dollars each, to be numbered from one to fifteen hundred, inclusive, and to bear date of the second day of July, nineteen hundred eleven. The total issue of said bonds shall not exceed the sum of one million five hundred thousand dollars, and they shall bear interest at the rate of four per cent per annum from the date of issuance thereof. The said bonds and the interest thereon shall be payable in gold coin of the United States of the present standard of value, at the office of the state treasurer of said state, on the second day of July, nineteen hundred eighty-five, subject, however, to redemption by lot as in this act hereinafter provided. The interest accruing on

vided for in this act shall at all times be open to the inspection of any party interested, or the governor, or the attorney general, or a committee of either branch of the legislature, or a joint committee of both, or any citizen of the state.

SECTION 7. It shall be the duty of the state treasurer to pay the interest of said bonds, when the same falls due, out of the sinking fund provided for in this act, on controller's warrants duly drawn for that purpose.

SECTION 8. This act, if adopted by the people, shall take effect on the thirty-first day of December, nineteen hundred and ten, as to all its provisions except those relating to and necessary for its submission to the people, and for returning, canvassing, and proclaiming the votes, and as to said excepted provisions this act shall take effect immediately.

SECTION 9. This act shall be submitted to the people of the State of California for their ratification at the next general election, to be holden in the month of November, nineteen hundred and ten, and all ballots at said election shall have printed thereon and at the end thereof, the words, "For the San Diego seawall act," and in a separate line under the same words "Against the San Diego seawall act," and opposite said lines there shall be left spaces in which the voters may make or stamp a cross to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the San Diego seawall act," and all those voting against the said act shall do so by placing a cross opposite the words "Against the San Diego seawall act." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

SECTION 10. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appear that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

SECTION 11. It shall be the duty of the secretary of state to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this state, for three months next preceding the general election to be holden in the month of November, nineteen hundred and ten, the costs of publication shall be paid out of the San Diego harbor improvement fund, on controller's warrants duly drawn for that purpose.

SECTION 12. The state controller and state treasurer are hereby directed to transfer from any moneys paid into the San Diego seawall fund under the provisions of this act to the general fund of the State of California, any and all sums of money theretofore transferred from said general fund to the San Diego seawall fund, together with interest on said moneys from the date of transfer at the rate of four per cent per annum.

SECTION 13. This act may be known and cited as the "San Diego seawall act of 1909."

W. R. PORTER,
President of the Senate.

P. A. STANTON,
Speaker of the Assembly.

Approved, April 16th, A. D. 1909.

J. N. GILLET, Governor.

Endorsed: Filed in the office of the Secretary of State the 7th day of April A. D. 1909, at 12:05 o'clock P. M. C. F. Curry, Secretary of State. By J. Hoesch, Deputy.

day of March, A. D. 1909, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, 1; Senate Constitutional Amendment No. 11; Senate Constitutional Amendment No. 36; Senate Constitutional Amendment No. 38; by the people of the State of California in the manner required by section one of article eighteen of the Constitution of the State of California.

sco harbor by the construction by the board of state harbor commissioners of wharves, piers, state railroad, spurs, betterments and duties of state officers in relation thereto; to make an appropriation of five thousand dollars for the expense of printing said bonds;

he State of California; specifying the work, fixing the payments to be made by counties for moneys expended therein; providing the submission of this act to a vote of the people." Approved March 22, 1909.

the governor shall make proclamation thereof, of the votes cast, as aforesaid, are against the same shall be and become void. shall be the duty of the secretary of state to published in at least one newspaper in each and county, if one be published therein, through or three months next preceding the general election in the month of November, A. D. nineteen 1; the cost of publication shall be paid out of i, on controller's warrants duly drawn for the is act shall be known and cited as the "State acts and parts of acts in conflict with the is act are hereby repealed.

P. A. STANTON,
Speaker of the Assembly.
W. R. PORTER,
President of the Senate.

March 22nd, A. D. 1909.
J. N. GILLET, Governor.

Filed in the office of the Secretary of State the 22nd day of March, A. D. 1909, at 9:30 o'clock A. M. C. F. of State. By J. Hoersch, Deputy.

SENATE BILL NO. 227.

Senate, February 17, A. D. 1909. Lewis A. Secretary of the Senate.
Assembly, March 10, A. D. 1909. Clio Lloyd, the Assembly.
as received by the Governor, this 15th day of 1909, at 3 o'clock P. M. E. C. Cooper, Private he Governor.

An act to provide for the issuance and sale of to create a fund for the acquisition by the board bor commissioners, of a necessary area for a tidal harves, docks, piers, harbors and appurtenances, and county of San Francisco; to create a sinking e payment of said bonds; and defining the duties cers in relation thereto; making an appropriation and dollars for the expense of printing said bonds; ng for the submission of this act to a vote of the

the State of California, represented in Senate and assembly, do enact as follows:

For the purpose of providing a fund for the he indebtedness authorized to be incurred by the e harbor commissioners for the acquisition of the a for a tidal basin, extending the area of India water front of the city and county of San Fran- ided in an act entitled: "An act to authorize and oard of state harbor commissioners to institute proceedings against certain property north of and extending to Islais creek in the city and n Francisco, and extending the jurisdiction of said he same, and providing for the payment of judg- the proceeds of bonds issued and sold under the an act entitled 'An act to provide for the issuance state bonds to create a fund for the acquisition by f state harbor commissioners, of a necessary area asin, for wharves, docks, piers, harbors and appur- the city and county of San Francisco; to create a l for the payment of said bonds; and defining the ate officers in relation thereto; making an appro- one thousand dollars for the expense of printing and providing for the submission of this act to a people," the state treasurer shall, immediately uance of the proclamation of the governor, provided n 10 hereof, prepare one thousand suitable bonds of f California, in the denomination of one thousand . The whole issue of said bonds shall not exceed the million dollars, and said bonds shall bear interest at our per centum per annum, from the time of the sale both principal and interest shall be payable in gold present standard value, and they shall be payable of the state treasurer, at the expiration of seventy- from their date, subject, however, to redemption by is act hereinafter provided. Said bonds shall bear cond day of January, A. D. 1911, and shall be made the second day of January, A. D. 1985. The interest such of said bonds as are sold, shall be due and the office of the state treasurer, on the second day of nd on the second day of July, of each year after the same; provided that the first payment of interest ade on the second day of January, A. D. 1912, on so id bonds as may have been theretofore sold. At the of seventy-four years from the date of said bonds, all shall cease to bear interest, and likewise all bonds y lot shall cease to bear interest, as in this act pro- the said state treasurer shall call in, forthwith pay the same, out of moneys in the "India Basin Sink-," provided for in this act, and, he, shall on the ay of January, A. D. 1985, also cancel and destroy not theretofore sold. All bonds issued shall be signed ernor, and countersigned by the controller, and shall d by the state treasurer, and each shall have the seal stamped thereon. Each bond shall contain a clause subject to redemption by lot after the year nineteen and thirty-nine.

Interest coupons shall be attached to each of said that such coupons may be removed without injury to tion of the bond. Said coupons shall be consecutively , and shall be signed by the state treasurer. But no n any of said bonds shall be paid for any time which rvene between the date of any of said bonds, and the sale thereof to a purchaser.

SAID FOR ITS SUBMISSION. and as to said excepted provisions this act shall take effect immediately. SEC. 9. This act shall be submitted to the people of the State of California, for their ratification at the next general election to be holden in the month of November, A. D. nineteen hundred and ten, and all ballots at said election shall have printed thereon, the words, "For the India Basin Act," and in printed thereon, the words, "For the India Basin Act," and in the same square, under said words the following in briefer type: "This act provides for the acquisition of a tidal basin in the bay of San Francisco for harbor purposes, and for the pay- ment of all costs thereof out of the 'San Francisco Harbor Improvement Fund.'" In the square immediately below the square containing said words, there shall be printed on said ballot, the words "Against the India Basin Act," in diately below said words "Against the India Basin Act," in briefer type, shall be printed: "This act provides for the acqui- sition of a tidal basin in the bay of San Francisco, for harbor purposes, and for the payment of all costs thereof, out of the purposes, and for the payment of all costs thereof, out of the 'San Francisco Harbor Improvement Fund.'" Opposite the words "For the India Basin Act," and "Against the India Basin Act," there shall be left spaces in which the voters may make or stamp a cross to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words: "For the India Basin Act," and those voting against said act shall do so by placing a cross opposite the words "Against the India Basin Act." The gov- ernor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

SEC. 10. The vote cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appear that said act shall have received a majority of all the votes cast for and against it at said election, as aforesaid, then the same shall have effect as hereinabove pro- as aforesaid, and shall be irrevocable until the principal and interest vided, and the governor shall make proclamation thereof; but if a majority of the votes cast, as aforesaid, are against this act, then the same shall be and become void.

SEC. 11. It shall be the duty of the secretary of state to have this act published in at least one newspaper in each county, or city and county, if one be published therein, through- out this state, for three months next preceding the general election to be holden in the month of November, A. D. nineteen hundred and ten; the costs of publication shall be paid out of the general fund, on controller's warrants, duly drawn for that purpose.

SEC. 12. This act shall be known and cited as the "India Basin Act."

SEC. 13. All acts and parts of acts in conflict with the pro- visions of this act are hereby repealed.

W. R. PORTER,
President of the Senate.
P. A. STANTON,
Speaker of the Assembly.

Approved, March 24th, A. D. 1909.
J. N. GILLET, Governor.

Endorsed: Filed in the office of the Secretary of State the 25 day of March, A. D. 1909, at 9:30 o'clock A. M. C. F. Curry, Secretary of State. By J. Hoersch, Deputy.

SENATE BILL NO. 464.

Passed the Senate, March 12, A. D. 1909. Lewis A. Hilborn, Secretary of the Senate.

Passed the Assembly, March 20, A. D. 1909. Clio Lloyd, Chief Clerk of the Assembly.

This bill was received by the Governor, this 23d day of March, A. D. 1909, at 5 o'clock P. M. E. C. Cooper, Private Secretary of the Governor.

CHAPTER 623. An Act to provide for the issuance and sale of state bonds to create a fund for the construction by the board of state harbor commissioners for the bay of San Diego of harbor improvements consist of a seawall, wharves, piers, state railroad, spurs, betterments and appurtenances in the county of San Diego; to create a sinking fund for the pay- ment of said bonds; to define the duties of state officers in relation thereto; to make an appropriation of one thousand five hundred dollars for the expense of printing said bonds, and to provide for the submission of this act to a vote of the people.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. For the purpose of providing a fund for the pay- ment of the indebtedness hereby authorized to be incurred by the board of state harbor commissioners for the bay of San Diego for harbor improvements consist of for the erection of a seawall, wharves, piers, state railroad, spurs, betterments and appurtenances in the county of San Diego, at a cost not to exceed one million five hundred thousand dollars, which said seawall, wharves, piers, state railroad, spurs, betterments and appurtenances the said board of state harbor commissioners for San Diego bay are hereby empowered to construct in the manner authorized by law, at a cost not to exceed one million five hun- dred thousand dollars, the state treasurer shall, immediately after the issuance of the proclamation of the governor provided for in section ten of this act, prepare fifteen hundred suitable bonds of the State of California in the denomination of one thousand dollars each, to be numbered from one to fifteen hun- dred, inclusive, and to bear date of the second day of July, nine- teen hundred eleven. The total issue of said bonds shall not exceed the sum of one million five hundred thousand dollars, and they shall bear interest at the rate of four per cent per annum from the date of issuance thereof. The said bonds and the interest thereon shall be payable in gold coin of the United

and cramage to collect it said. any limitations existing purposes of this act, over and above any limitations existing in the existing section of the Political Code of the State of Cali- fornia. Between the first and tenth day of November, in the year nineteen hundred and fifty and between the first and tenth day of November of each year thereafter until the maturity of day of November of each year shall, in the presence of the gov- said bonds, the said treasurer shall, in the presence of the gov- ernor, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund at that time, and shall thereupon and before the tenth day of December following, give notice by public adver- tisement to be inserted twice a week for two weeks in two newspapers published in the county of San Francisco, and also in one newspaper published in the city of San Diego, and also in one newspaper published in the city of Los Angeles, stating the number of bonds so drawn and that the principal of said bonds will be paid on presentation to the treasurer on or before the second day of January, following, and that from and after such last named date, all interest upon bonds thus drawn shall cease, and it shall be the duty of the treasurer as soon as said bonds so drawn by lot, and surrendered to him and paid to cancel the same, and the interest coupons thereon, and each year beginning with the year nineteen hundred and fifty, the said treasurer shall, in the manner aforesaid, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund, and proceed in the manner hereinabove stated. After the payment of all said bonds, the surplus or balance remaining in said sinking fund, if any there be, shall forthwith be paid into the San Diego harbor improvement fund. At the time of the respective drawings by lot, as aforesaid, and also at the maturity of said state bonds, said treasurer shall sell the United States or other bonds then in said sinking fund, at governing market rates, after advertis- ing the sale thereof in the manner hereinbefore provided for the sale of bonds hereby authorized to be issued, and shall use the proceeds for the payment of such bonds as may be drawn by lot, and at the maturity of said bonds outstanding shall pay and redeem said matured outstanding bonds out of said moneys in said fund in extinguishment of said bonds on controller's war- rants duly drawn for that purpose.

SEC. 6. The state controller and the state treasurer shall keep full and particular account and record of all their pro- ceedings under this act, and they shall transmit to the governor an abstract of all such proceedings thereunder, with an annual report, to be by the governor laid before the legislature bien- nially; and all books and papers pertaining to the matter pro- vided for in this act shall at all times be open to the inspection of any party interested, or the governor, or the attorney general, or a committee of either branch of the legislature, or a joint committee of both, or any citizen of the state.

SEC. 7. It shall be the duty of the state treasurer to pay the interest of said bonds, when the same falls due, out of the sink- ing fund provided for in this act, on controller's warrants duly drawn for that purpose.

SEC. 8. This act, if adopted by the people, shall take effect on the thirty-first day of December, nineteen hundred and ten, as to all its provisions except those relating to and necessary for its submission to the people, and for returning, canvassing, and proclaiming the votes, and as to said excepted provisions this act shall take effect immediately.

SEC. 9. This act shall be submitted to the people of the State of California for their ratification at the next general election, to be holden in the month of November, nineteen hun- dred and ten, and all ballots at said election shall have printed thereon and at the end thereof, the words, "For the San Diego seawall act," and in a separate line under the same words "Against the San Diego seawall act," and opposite said lines there shall be left spaces in which the voters may make or stamp a cross to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the San Diego seawall act," and all those voting against the said act shall do so by placing a cross opposite the words "Against the San Diego seawall act." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

SEC. 10. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same man- ner and subject to the same rules as votes cast for state officers; and if it appear that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

SEC. 11. It shall be the duty of the secretary of state to have this act published in at least one newspaper in each county, or city and county, if one be published therein, through- out this state, for three months next preceding the general election to be holden in the month of November, nineteen hun- dred and ten, the costs of publication shall be paid out of the San Diego harbor improvement fund, on controller's warrants duly drawn for that purpose.

SEC. 12. The state controller and state treasurer are hereby directed to transfer from any moneys paid into the San Diego seawall fund under the provisions of this act to the general fund of the State of California, any and all sums of money theretofore transferred from said general fund to the San Diego seawall fund, together with interest on said moneys from the date of transfer at the rate of four per cent per annum.

SEC. 13. This act may be known and cited as the "San Diego seawall act of 1909."

W. R. PORTER,
President of the Senate.
P. A. STANTON,
Speaker of the Assembly.

Approved, April 16th, A. D. 1909.
J. N. GILLET, Governor.

of California and Propositions,

th day of November, A. D. 1910.

principal of and the interest on the bonds, issued
pursuant to the provisions of this act, as said principal
becomes due and payable.

be collected annually in the same manner and at the same rate as other state revenue is collected such a sum, or the ordinary revenues of the state as shall be required to pay the principal and interest on said bonds as provided, and it is hereby made the duty of all officers and officers of the state to do and perform each and every act which shall be necessary to collect such additional sum.

er of the state shall, on the first day of January, the first day of each July and the first day of thereafter transfer from the general fund of the to the interest and sinking fund such an amount by this act appropriated as shall be required to est on the bonds theretofore sold, until the interest l bonds so sold shall have been paid or shall have accordance with the provisions of this act.

erby created in the state treasury a fund to be designated as the "State Highway and Sinking fund," and the treasurer of the state shall on the first day of year 1917, and on the first day of July, of each and hereafter in which a parcel of the bonds sold pursuant to the provisions of this act shall become due, transfer the principal of the bonds so becoming due to the said sinking fund of the state treasury to the said state sinking fund such an amount of the moneys appropriated to the sinking fund as may be required to pay the principal of the bonds so becoming due and payable in such years.

the principal of all of said bonds sold shall be paid the same becomes due, from the state highway sinking fund; the interest on all bonds sold shall be paid at the same time the interest becomes due, from the interest and sinking fund; and the principal and interest shall be so paid upon warrants drawn by the controller of the state upon demands of the state board of examiners, and the faith of the state of California is hereby pledged for the payment of the said bonds so sold, and the interest accruing thereon.

the state controller and state treasurer shall keep a particular account and record of all their proceedings and they shall transmit to the governor in triplicate and all such proceedings thereunder with an extract in triplicate, one copy of each to be by the governor before each house of the legislature biennially. All papers pertaining to the matter provided for in this act shall times, be open to the inspection of any party to the governor, or the attorney-general, or a common-law branch of the legislature or a joint committee of the citizen of the state.

The highway constructed or acquired under the act shall be permanent in character and be of oil or macadam or a combination of both, or of material as in the judgment of the said department shall be most suitable and best adapted to the locality traversed. The state department of engineering of the people of the State of California, may give by donation or dedication, or lease any right of way or land necessary or proper for the construction and maintenance of said state highway and shall have the power to condemn under the provisions of the Code of Civil Procedure relating to such proceedings any necessary right of way, rock quarry or land. The department of engineering shall have full power and authority to purchase material, machinery and to do all other things necessary and proper in the construction and maintenance of said highway. With the exception of those public highways which have been permanently improved under county or district division bond issues within three years prior to the date of this act; all public highways within this state shall be subject to the right of way of said state highway as determined by the department of engineering shall be subject to become a part of the right of way of said state highway, without compensation being paid therefor; and any provision herein contained shall require the state to exercise its right of way along or on said right of way, prior to the acquisition of the permanent improvements.

SEC. 4. When the bonds authorized to be issued under this act shall be duly executed, they shall be sold by the state treasurer at public auction to the highest bidder for cash, in such parcels and numbers as said state treasurer shall determine; but said treasurer must reject any and all bids for said bonds, or for any of them, which shall be below the par value of said bonds so offered for sale, and he may by public announcement at the place and time fixed for the sale, for good and sufficient cause, continue such sale as to the whole of the bonds offered or any part thereof offered, to such time and place as he may select, not exceeding, however, sixty days. Due notice of the time and place of sale of all bonds, and of the postponement of sale thereof, must be given by said treasurer by publication in two newspapers published in the city and county of San Francisco, and also by publication in one newspaper published in the city of Oakland, and by publication in one newspaper published in the city of Los Angeles, and by publication in one newspaper published in the city of Sacramento, once a week during four weeks prior to such sale. The costs of such publication shall be paid out of the "San Francisco Harbor Improvement Fund" on controller's warrants, duly drawn for that purpose. The proceeds of the sale of such bonds, shall be forthwith paid over by said treasurer into the treasury, and must be by him kept in a separate fund to be known and designated as the "India Basin Fund," and must be used exclusively for the acquisition of the area described in the act referred to in section 1 hereof. Drafts and warrants upon said fund shall be drawn upon and shall be paid out of said fund in the same manner as drafts and warrants are drawn upon and paid out of the "San Francisco Harbor Improvement Fund."

Sec. 5. For the payment of the principal and interest of said bonds a sinking fund to be known and designated as the "India Basin Sinking Fund" shall be and the same is hereby created as follows, to wit: The state treasurer shall, on the first day of each and every month, after the second day of December, A. D. 1928, take from the "San Francisco Harbor Improvement Fund," such sum as, multiplied by the time the bonds then sold and outstanding have to run, will equal the principal of the bonds sold and outstanding at the time said treasurer shall so take said sum from said "San Francisco Harbor Improvement Fund," less the amount theretofore taken therefrom for said purpose; and he shall make the sum in the "India Basin Sinking Fund," created by this act. Said state treasurer shall, on controller's warrants, duly drawn for that purpose, employ the moneys in said sinking fund in the purchase of bonds of the United States, or of the State of California, or of the several counties or municipalities of the State of California, which said bonds shall be kept in a proper receptacle, appropriately labeled; but he must always keep on hand a sufficient amount of money in said sinking fund with which to pay the interest on such of the state bonds herein provided to be issued as may have theretofore been sold; and to provide means for the payment of interest on the bonds that may be sold and outstanding, said treasurer shall monthly take from the "San Francisco Harbor Improvement Fund," and pay into said "India Basin Sinking Fund," an amount equal to the monthly interest then due on all bonds then sold, delivered and outstanding. The board of state harbor commissioners is hereby authorized and directed by the collection of dockage, tolls, rents, wharfage and cranes, to collect a sum of money sufficient for the purposes of this act, over and above the amount limited by section two thousand five hundred and twenty-six of the Political Code of the State of California. Between the first and tenth day of November, in the year nineteen hundred and forty, and between the first and tenth day of November of each year thereafter, until the maturity of said bonds, the said treasurer shall, in the presence of the governor, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be, the amount in said sinking fund at that time, and shall thereupon and before the tenth day of December following, give notice by public advertisement to be inserted twice a week for two weeks in two newspapers published in the city and county of San Francisco, and also in one newspaper published in the city of Oakland, and also in one newspaper published in the city of Los Angeles, and also in one newspaper published in the city of Sacramento, stating the number of bonds so drawn, and that the principal of said bonds shall be paid on presentation

all of said bonds that shall be sold shall be payable at the office of the treasurer of the state on the second day of January and the second day of July of each year after the sale of the same. At the expiration of seventy-four years from the date of said bonds, all bonds shall cease to bear interest, and likewise all bonds redeemed by lot as hereinafter provided shall cease to bear interest according to the provisions of this act, and the state treasurer shall call in and forthwith pay and cancel the same out of the moneys in the San Diego seawall sinking fund provided for in this act, and he shall on the date of the maturity of said bonds cancel and destroy all bonds not theretofore sold. All bonds remaining unsold shall, at the date of the maturity thereof, be by the treasurer of the state canceled and destroyed. All bonds issued pursuant to the provisions of this act shall be signed by the governor of this state, countersigned by the state controller, and endorsed by the state treasurer, and the said bonds shall be so signed, countersigned, and endorsed by the officers who are in office on the second day of July, nineteen hundred eleven, and each of said bonds shall have the great seal of the State of California impressed thereon, and said bonds signed, countersigned, endorsed and sold as herein provided, shall be and constitute a valid and binding obligation upon the State of California though the sale thereof be made at a date or dates after the person so signing, countersigning and endorsing, or either thereof, shall have ceased to be an incumbent of said office or offices.

Sec. 2. Appended to each of said bonds there shall be interest coupons so attached that the same may be detached without injury or mutilation of said bonds, and said coupons shall be consecutively numbered, and shall bear the lithographic signature of the state treasurer who shall be in office on the second day of July, nineteen hundred eleven. No interest shall be paid on any of said bonds for such time as may intervene between the date of said bond and the day of sale thereof, unless said accrued interest shall have been, by the purchaser of said bond, paid to the state at the time of such sale.

Sec. 3. The sum of one thousand five hundred dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to pay the expense that may be incurred by the state treasurer in having said bonds prepared. The state controller is hereby authorized and directed to draw his warrant for the expense incurred in preparing the said bonds, and the state treasurer is hereby directed to pay the same.

Sec. 4. When the bonds authorized to be issued by this act shall have been signed, countersigned and endorsed, as in section 1 provided, the state treasurer shall sell the same for cash to the highest bidder in such parcels and numbers as the governor of the state shall direct, *provided* a resolution requesting such sale shall have been adopted by the board of state harbor commissioners for San Diego bay, and said board shall not pass such resolution until in their judgment the actual harbor receipts, and those reasonably anticipated, will justify such sale of bonds and the consequent increased burden on harbor receipts. Said resolution shall specify the number of bonds necessary to produce the amount of money which, in the judgment of said board of harbor commissioners, shall be required at such time, and the governor of the state shall direct the state treasurer to sell such number of said bonds to raise said amount of money, and that said bonds shall be sold in consecutive, numerical order. The state treasurer shall not accept any bid which is less than the par value of the bond, plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date. The state treasurer may, at the time and place fixed by him for such sale, continue such sale as to the whole or any part of said bonds to such time and place as he may at the time of such continuance designate. Before offering any of said bonds for sale the state treasurer shall detach therefrom all coupons which have matured or will mature before the date fixed for said sale. The state treasurer shall give notice of the time and place of sale by publication in two newspapers published in the city and county of San Francisco, one newspaper published in the city of Los Angeles, one newspaper published in the city of San Diego, and one newspaper published in the city of Sacramento, once a week for four weeks next preceding the date fixed for such sale. In addition to the notice last above provided for, the state treasurer shall also give notice of the

of the State of California, with legislative reasons, and Propositions,

ection to be held on the eighth day of November, A. D. 1910,
CALIFORNIA, AND TO THE REGISTRAR OF VOTERS OF THE CITY AND COUNTY OF SAN FRANCISCO, BY C. F. CURRY, SECRETARY OF STATE.

SACRAMENTO, CAL., October 5, 1910.

ty-eighth session, beginning on the 4th day of January, A. D. 1909, and ending on the 24th day of March, A. D. 1909, two ture voting in favor thereof, proposed the following several amendments to the constitution of the State of California Amendment No. 11; Senate Constitutional Amendment No. 36; Senate Constitutional Amendment No. 38; Senate Conment No. 14, all of which said constitutional amendments were duly passed by the Senate and Assembly of the State of f the constitution of the State of California.

An act to provide for the issuance and sale of state bonds to create a fund for the improvement of San Francisco harbor harves, piers, state railroad, spurs, betterments, and appurtenances and necessary dredging and filling in connection there- d for the payment of said bonds; to define the duties of state officers in relation thereto; to make an appropriation of ovide for the submission of this act to a vote of the people." Approved March 20, 1909.

An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor ks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment eto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the sub- 09.

An act to provide for the issuance and sale of state bonds to create a fund for the construction by the board of state nts consist of a seawall, wharves, piers, state railroad, spurs, betterments and appurtenances in the county of San Diego; ities of state officers in relation thereto; to make an appropriation of one thousand five hundred dollars for the expense a vote of the people." Approved April 16, 1909.

An act authorizing the construction, acquisition, maintenance and control of a system of state highways in the State of ounties for moneys expended therein; providing for the issuance and sale of state bonds to create a fund for the con- e payment of said bonds; and providing for the submission of this act to a vote of the people." Approved March 22, 1909. s extraordinary session of the thirty-eighth session, beginning on the sixth day of September, A. D. 1910, and ending on lected to each of the houses of said Legislature voting in favor thereof, proposed the following several amendments to y numbers, to wit: Senate Constitutional Amendment No. 52 and Assembly Constitutional Amendment No. 33. s second extraordinary session of the thirty-eighth session, beginning on the third day of October, A. D. 1910, and ending lected to each of the houses of said Legislature voting in favor thereof, proposed the following amendment to the con- iber, to wit: Senate Co. itutional Amendment No. 1.

ifornia, entitled "An act to amend section one thousand one hundred and ninety-five of the Political Code relating to ution of a pamphlet showing a comparative statement of the operation of the present section or article of the constitution March 10, 1909, and also, in pursuance of an act entitled "An act to add a new section to the Political Code of the State of nents to the constitution," approved March 10, 1909, I have caused to be printed and transmitted to each of the County nty of San Francisco, for distribution to said qualified electors, copies of the said proposed amendments to the constitu- e next general election to be held on the eighth day of November, A. D. 1910.

Respectfully submitted.

C. F. CURRY, Secretary of State.

osed by this amendment to be fixed upon the public utility rations of this state are at par, if not higher, than the ge rate as fixed by the other states on public utility corpora-

e state board of equalization for three years last past have applying the principles of Amendment No. 1 in the assess- of steam railroads operating in this state, and by reason of increased those assessments from \$69,820,186, the assess- in 1905 under the old plan, to \$122,082,273 in 1909 under the proposed in the foregoing amendment. Thus, for the year the railroads paid in taxes on such state board assessments 6,606.42, while in 1909, under the plan proposed by this dment, they paid \$2,020,752.38, with substantially no increase lieage. The above results are the result of applying the ple of the amendment and not the increase in value of the rty.

J. B. CURTIN,
State Senator,

Committee appointed under the law to write the argument in favor of the adoption of Senate Constitutional Amendment No. 1.

SENATE CONSTITUTIONAL AMENDMENT NO. 11. CHAPTER 26.

Constitutional Amendment No. 11.—A resolution to propose to eople of the State of California an amendment to the constitu- of the State of California, providing that a mortgage, deed of contract, or other obligation by which a debt is secured when is pledged as security for the payment thereof, together with ney represented by such debt, shall be exempt from taxation o that end amending section one and repealing section four of e thirteen of the constitution of the State of California.

[Adopted March 16, 1909.]

legislature of the State of California, at its regular session, ncing the fourth day of January, nineteen hundred and

Again: In many cases mortgaged property is reduced in the assessment below the true value of the mortgage, and the mort- gage for assessment purposes is reduced to the assessment of the property. The borrower still pays to the money lender the full amount of the taxes estimated as interest, but the lender pays only the taxes upon the reduced value.

Again: If a mortgage be executed in the middle of March the borrower pays until the first Monday of March of the following year a tax in the form of added interest, which is never paid by the lender.

The instances are numerous where the owner has lost his property through tax sales based on these mortgage assessments. A mortgage is assessed against the property on the first Mon- day in March; soon after that date the mortgage is paid off and satisfied. In nine cases out of ten the money lender will neglect and refuse to pay the mortgage tax, and the same chances are that the property owner will never think of the mortgage tax when he pays his own tax. The resulting consequence is that the land is sold to the state for the mortgage tax. In due time the state finds a purchaser and sells the property without the owner ever knowing there was a delinquent tax against his property. On the score of economy the exemption from taxation of mort- gages might be urged: First, the clerical labor in the banks in keeping track of the assessment of mortgages is augmented, and must be paid for by increase of interest; second, the assessment of mortgages is costly to the county. The recorder has to make a record of each mortgage for the use of the assessor. In assess- ing a mortgage it has to be described with the same particularity as the property mortgaged. There is, in fact, double the record- work performed where the mortgage is assessed, besides the labor involved in the care in the discovering the mortgage. Every assessor knows that the cost of assessing the property and the mortgage

eight thousand (\$8,000) a year, not counting actions or proceed- ings for restoration of destroyed records. The actions or proceed- ings excluded from the count are those brought under the act of the legislature generally known as the McInerney act.

The result is, in many cases, evidence is lost, witnesses leave, and litigants become discouraged and are deprived of that right, almost as important in civil as in criminal matters, a speedy hear- ing and determination of their case.

It is hoped by the proponents of this amendment that the judges from other counties may relieve the pressure upon the courts at the centers of population by holding court from time to time in those counties in addition to the judges thereof, as provided in this proposed amendment.

The salary of the superior judges is paid half by the state and half by the county.

This amendment will undoubtedly somewhat relieve the pressure upon the courts in the centers of population, render the judiciary system more flexible and serviceable to the people and not add a cent to the county or state tax for salaries of superior judges.

This proposed amendment of section 8 of article VI of the con- stitution of California, provides that as many judges of the superior court may hold court at one time in a county or city and county as there are judges elected in that county or city and county plus any judge who may be requested to hold court in said county or city and county by a judge of said county or city and county or requested so to do by the governor of the state. This can not be done under the law as it stands to-day.

You will note that upon the request of the governor it is the duty of a judge to hold court in another county, but when requested by a judge of the superior court he may accept or decline to act as in his judgment may be for the best interest of his own county.

In many of the sparsely settled counties there are judges of the superior court whose time is not fully occupied. If they were permitted to sit from time to time as judges in the more densely populated counties which have an immense volume of legal business, together with the judges of those counties (and they could so sit as judges if this amendment is adopted), they would greatly assist in relieving the pressure upon those courts and help restore them to a normal condition.

It is further provided in the proposed amendment to the con- stitution that attorneys at law may act as judges pro tempore (for the time) when requested so to do in a particular case or proceeding by the parties thereto, or their attorneys of record, and have all the powers of a judge of the superior court in that case or proceeding. The judge pro tempore must be agreed upon by both sides to an action or proceeding. This method of select- ing a judge pro tempore, when both sides have some lawyer before whom they wish to try their case, has worked very well in other communities and tends to relieve the congestion of business in overburdened courts.

We respectfully submit, in the interest of the whole community, the electors should vote for the proposed amendment.

LESTER G. BURNETT,

LOUIS H. ROSEBERRY,

Senate Committee for the Affirmative.

March 12, 1910.

SENATE CONSTITUTIONAL AMENDMENT NO. 38.

CHAPTER 42.

Senate Constitutional Amendment No. 38.—A resolution to propose to the people of the State of California an amendment to the constitu- tion of the State of California, by amending section three of article XI thereof, and relating to the formation of new counties, and altering the boundary lines of existing counties.

[Adopted March 27, 1909.]

The legislature of the State of California, at its regular session, commencing the 4th day of January, in the year one thousand nine hundred and nine, two thirds of all the members elected to each of the houses of said legislature voting in favor thereof, hereby pro- pose that section three of article XI of the constitution of the State of California, be amended so as to read as follows:

Section 3. The legislature, by general and uniform laws, may provide for the alteration of county boundary lines, and for the formation of new counties; provided, however, that no new county shall be established which shall reduce any county to a population of less than twenty thousand; nor shall a new county be formed containing a less population than eight thousand; nor shall any line thereof pass within five miles of the exterior boundary of the city or town in which the county seat of any county proposed to be divided is situated. Every county which shall be enlarged or created from territory taken from any other county or counties, shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken.

Section 3 of article 11, proposed to be amended as above, now

Proposed Amendments to the Constitution of the State of

To be voted upon at the General Election to be held on the eig
AS CERTIFIED TO THE COUNTY CLERKS OF THE SEVERAL COUNTIES OF THE STATE OF CALIFORNIA, AND TO THE REGISTRAR OF VOTERS OF

NOTICE TO VOTERS.

In the matter following, the provisions of the constitution as they now exist are printed in the ordinary faced type; the proposed changes in the constitution and new provisions thereof are shown in black-faced type. The reasons given by the Legislature for the adoption or rejection of such proposed constitutional amendments are shown in leaded type, enclosed in border. Propositions to be voted upon, not being amendments to the constitution, are printed in ordinary faced type.

C. F. CURRY, Secretary of State.

SENATE CONSTITUTIONAL AMENDMENT NO. 1. CHAPTER 1.

Senate Constitutional Amendment No. 1.—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California providing for the separation of state and local taxation, providing for the taxation of public service and other corporations for the benefit of the state, and to that end adding to article thirteen a new section to be numbered section fourteen, amending section ten of article thirteen, and repealing section ten of article eleven thereof, all relating to revenue and taxation.

[Adopted October 3, 1910.]

Whereas, it is deemed desirable to separate the sources of revenue for state purposes from the sources of revenue for county and municipal purposes; now, therefore,

The legislature of the State of California, at its extraordinary session, commencing on the third day of October, nineteen hundred and ten, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to the constitution of the State of California:

First. There is hereby added to article thirteen a new section to be numbered fourteen and to read as follows:

Section 14. Taxes levied, assessed and collected as hereinafter provided upon railroads, including street railways, whether operated in one or more counties; sleeping car, dining car, drawing-room car and palace car companies, refrigerator, oil, stock, fruit, and other car-loading and other car companies operating upon railroads in this state; companies doing express business on any railroad, steamboat, vessel or stage line in this state; telegraph companies; telephone companies; companies engaged in the transmission or sale of gas or electricity; insurance companies; banks, banking associations, savings and loan societies, and trust companies; and taxes upon all franchises of every kind and nature, shall be entirely and exclusively for state purposes, and shall be levied, assessed and collected in the manner hereinafter provided. The word "companies" as used in this section shall include persons, partnerships, joint-stock associations, companies, and corporations.

(a) All railroad companies, including street railways, whether operated in one or more counties; all sleeping car, dining car, drawing-room car, and palace car companies, all refrigerator, oil, stock, fruit and other car-loading and other car companies operating upon the railroads in this state; all companies doing express business on any railroad, steamboat, vessel or stage line in this state; all telegraph and telephone companies; and all companies engaged in the transmission or sale of gas or electricity shall annually pay to the state a tax upon their franchises, roadways, roadbeds, rails, rolling stock, poles, wires, pipes, canals, conduits, rights of way, and other property, or any part thereof, used exclusively in the operation of their business in this state, computed as follows: Said tax shall be equal to the percentages hereinafter fixed upon the gross receipts from operation of such companies and each thereof within this state. When such companies are operating partly within and partly without this state, the gross receipts within this state shall be deemed to be all receipts on business beginning and ending within this state, and a proportion, based upon the proportion of the mileage within this state to the entire mileage over which such business is done, of receipts on all business passing through, into, or out of this state.

The percentages above mentioned shall be as follows: On all railroad companies, including street railways, four per cent; on all sleeping car, dining car, drawing-room car, palace car companies, refrigerator, oil, stock, fruit and other car-loading and other car companies, three per cent; on all companies doing express business on any railroad, steamboat, vessel or stage line, two per cent; on all telegraph and telephone companies, three and one half per cent; on all companies engaged in the transmission or sale of gas or electricity, four per cent. Such taxes shall be in lieu of all other taxes and licenses, state, county and municipal, upon the property above enumerated of such companies except as otherwise in this section provided; provided, that nothing herein shall be construed to release any such company from the payment of any amount agreed to be paid or required by law to be paid for any special privilege or franchise granted by any of the municipal authorities of this state.

(b) Every insurance company or association doing business in this state shall annually pay to the state a tax of one and one half per cent upon the amount of the gross premiums received upon its business done in this state, less return premiums and reinsurance in companies or associations authorized to do business in this state; provided, that there shall be deducted from said one and one half per cent upon the gross premiums the amount of any county and municipal taxes paid by such companies on real estate owned by them in this state. This tax shall be in lieu of all other taxes and licenses, state, county and municipal, upon the property of such companies, except county and municipal taxes on real estate, and except as otherwise in this section provided; provided, that when by the laws of any other state or country, any taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions, are imposed on insurance companies of this state, doing business in such other state or country, or upon their agents therein, in excess of such taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions,

State of California, Department of State.

To the qualified electors of the State of California:

WHEREAS, the Legislature of the State of California, at its thirty-eighth session, beginning on the 4th day of January, 1909, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, proposed the following prepared and distinguished by numbers, to wit: Senate Constitutional Amendment No. 11; Senate Constitutional Amendment No. 44; and Assembly Constitutional Amendment No. 14, all of which said constitutional amendments to the constitution of the State of California in the manner required by section one of article eighteen of the constitution of the State of California:

AND WHEREAS, said Legislature duly passed an act entitled "An act to provide for the issuance and sale of state bonds by the construction by the board of state harbor commissioners of wharves, piers, state railroad, spurs, betterments, and with in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; to define the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and to provide for the submission of this act to a vote of the people."

AND WHEREAS, said Legislature duly passed an act entitled "An act to provide for the issuance and sale of state bonds by the construction by the board of state harbor commissioners of wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; to define the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and to provide for the submission of this act to a vote of the people."

AND WHEREAS, said Legislature duly passed an act entitled "An act to provide for the issuance and sale of state bonds by the construction by the board of state harbor commissioners of wharves, piers, state railroad, spurs, betterments, and with in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; to define the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and to provide for the submission of this act to a vote of the people."

AND WHEREAS, said Legislature duly passed an act entitled "An act authorizing the construction, acquisition, maintenance and operation of a harbor improvement system for the bay of San Diego; to provide for the issuance and sale of state bonds by the construction by the board of state harbor commissioners of wharves, piers, state railroad, spurs, betterments, and with in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; to define the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and to provide for the submission of this act to a vote of the people."

AND WHEREAS, the Legislature of the State of California, at its extraordinary session of the thirty-eighth session, the ninth day of September, A. D. 1910, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, proposed the following prepared and distinguished by numbers, to wit: Senate Constitutional Amendment No. 11; Senate Constitutional Amendment No. 44; and Assembly Constitutional Amendment No. 14, all of which said constitutional amendments to the constitution of the State of California in the manner required by section one of article eighteen of the constitution of the State of California:

AND WHEREAS, the Legislature of the State of California, at its second extraordinary session of the thirty-eighth session, the fifth day of October, A. D. 1910, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, proposed the following prepared and distinguished by number, to wit: Senate Constitutional Amendment No. 11; Senate Constitutional Amendment No. 44; and Assembly Constitutional Amendment No. 14, all of which said constitutional amendments to the constitution of the State of California in the manner required by section one of article eighteen of the constitution of the State of California:

Therefore, pursuant to an act of the Legislature of the State of California, entitled "An act to amend section one of article eighteen of the constitution of the State of California and providing for the publication and distribution of a pamphlet showing a comparative statement of the result to be effected by the proposed amendment," approved March 10, 1909, and also, in pursuance of an act entitled "An act to amend section one of article eighteen of the constitution of the State of California, to be numbered 1195a, relating to the advertising of amendments to the constitution," approved March 10, 1909, Clerks in this State, and to the Registrar of Voters of the city and county of San Francisco, for distribution to said qualified electors of the State of California and propositions to be voted upon at the next general election to be held on the eighth day of November, 1910, I hereby certify the foregoing to be true and correct.

Respectfully submit

This amendment is designed:

First—To separate state from local taxation as to sources of revenue and to provide that the State obtain its revenue from the earnings of public service corporations; the counties and cities to obtain their revenues from all other forms of property. This will obviate the necessity of the state board of equalization annually equalizing the values in the different counties, as arrived at by the assessors, a proceeding which has always resulted in friction between these officials, and is and always has been productive of inequality of taxation.

Second—To lessen the burden of taxation of the now overtaxed farmer and real estate owner by requiring public service corporations to pay their just share of taxes.

Third—To insure a steady, adequate, and non-political taxation of public service corporations, insurance companies and banks, and thereby to a large extent keep those corporations out of politics.

In order that the voter might appreciate what this amendment is expected to do the commission asserts that it will produce annually over four millions of dollars from sources that are now not paying their just proportion of taxes.

To illustrate: Such corporations as the express company, telegraph company, and telephone company operate in every city and county in the state, but in few places in the state do any of these companies have any real estate or personal property, excepting that the express company may own its books and the other companies own a few miles of wires and poles. All other properties used by these different companies in nearly all of the towns of the state are owned by the agent.

Each of these companies do a large and lucrative business in

proposed by this amendment to be fixed upon the public utility corporations of this state are at par, if not higher, than the average rate as fixed by the other states on public utility corporations.

The state board of equalization for three years last past has been applying the principles of Amendment No. 1 in the assessment of steam railroads operating in this state, and by reason thereof increased those assessments from \$69,820,186, the assessment in 1905 under the old plan, to \$122,082,273 in 1909 under the plan proposed in the foregoing amendment. Thus, for the year 1905 the railroads paid in taxes on such state board assessments \$1,306,606.42, while in 1909, under the plan proposed by this amendment, they paid \$2,020,752.38, with substantially no increase in mileage. The above results are the result of applying the principle of the amendment and not the increase in value of property.

J. B. CURTIN,

State Senator

Committee appointed under the law to write argument in favor of the adoption of Senate Constitutional Amendment No. 1.

SENATE CONSTITUTIONAL AMENDMENT NO. 11. CHAPTER 26.

Senate Constitutional Amendment No. 11.—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California, providing that a mortgage, deed of trust, contract, or other obligation by which a debt is secured, and in which the land is pledged as security for the payment thereof, together with the money represented by such debt, shall be exempt from taxation.

These companies are operating partly within and partly without this state, the gross receipts within this state shall be deemed to be all receipts on business beginning and ending within this state, and a proportion, based upon the proportion of the mileage within this state to the entire mileage over which such business is done, of receipts on all business passing through, into, or out of this state.

The percentages above mentioned shall be as follows: On all railroad companies, including street railways, four per cent; on all sleeping car, dining car, drawing-room car, palace car companies, refrigerator, oil, stock, fruit and other car-loading and other car companies, three per cent; on all companies doing express business on any railroad, steamboat, vessel or stage line, two per cent; on all telegraph and telephone companies, three and one half per cent; on all companies engaged in the transmission or sale of gas or electricity, four per cent. Such taxes shall be in lieu of all other taxes and licenses, state, county and municipal, upon the property above enumerated of such companies except as otherwise in this section provided; provided, that nothing herein shall be construed to release any such company from the payment of any amount agreed to be paid or required by law to be paid for any special privilege or franchise granted by any of the municipal authorities of this state.

(b) Every insurance company or association doing business in this state shall annually pay to the state a tax of one and one half per cent upon the amount of the gross premiums received upon its business done in this state, less return premiums and reinsurance in companies or associations authorized to do business in this state; provided, that there shall be deducted from said one and one half per cent upon the gross premiums the amount of any county and municipal taxes paid by such companies on real estate owned by them in this state. This tax shall be in lieu of all other taxes and licenses, state, county and municipal, upon the property of such companies, except county and municipal taxes on real estate, and except as otherwise in this section provided; provided, that when by the laws of any other state or country, any taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions, are imposed on insurance companies of this state, doing business in such other state or country, or upon their agents therein, in excess of such taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions, imposed upon insurance companies of such other state or country, so long as such laws continue in force, the same obligations and prohibitions of whatsoever kind may be imposed by the legislature upon insurance companies of such other state or country doing business in this state.

(c) The shares of capital stock of all banks, organized under the laws of this state, or of the United States, or of any other state and located in this state, shall be assessed and taxed to the owners or holders thereof by the state board of equalization, in the manner to be prescribed by law. In the city or town where the bank is located and not elsewhere. There shall be levied and assessed upon such shares of capital stock an annual tax, payable to the state, of one per centum upon the value thereof. The value of each share of stock in each bank, except such as are in liquidation, shall be taken to be the amount paid for thereon, together with its pro rata of the accumulated surplus and undivided profits. The value of each share of stock in each bank which is in liquidation shall be taken to be its pro rata of the actual assets of such bank. This tax shall be in lieu of all other taxes and licenses, state, county and municipal, upon such shares of stock and upon the property of such banks, except county and municipal taxes on real estate and except as otherwise in this section provided. In determining the value of the capital stock of any bank there shall be deducted from the value, as defined above, the value, as assessed for county taxes, of any real estate, other than mortgage interests therein, owned by such bank and taxed for county purposes. The banks shall be liable to the state for this tax and the same shall be paid to the state by them on behalf of the stockholders in the manner and at the time prescribed by law, and they shall have a lien upon the shares of stock and upon any dividends declared thereon to secure the amount so paid.

The moneyed capital, reserve, surplus, undivided profits and all other property belonging to unincorporated banks or bankers of this state, or held by any bank located in this state which has no shares of capital stock, or employed in this state by any branches, agencies, or other representatives of any banks doing business outside of the State of California, shall be likewise assessed and taxed to such banks or bankers by the said board of equalization, in the manner to be provided by law, and taxed at the same rate that is levied upon the shares of capital stock of incorporated banks, as provided in the first paragraph of this subdivision. The value of said property shall be determined by taking the entire property invested in such business, together with all the reserve, surplus, and undivided profits, at their full cash value, and deducting therefrom the value as assessed for county taxes of any real estate, other than mortgage interests therein, owned by such bank and taxed for county purposes. Such taxes shall be in lieu of all other taxes and licenses, state, county and municipal, upon the property of the banks and bankers mentioned in this paragraph, except county and municipal taxes on real estate and except as otherwise in this section provided. It is the intention of this paragraph that all moneyed capital and property of the banks and bankers mentioned in this paragraph shall be assessed and taxed at the same rate as an incorporated bank, provided for in the first paragraph of this subdivision. In determining the value of the moneyed capital and property of the banks and bankers mentioned in this subdivision, the said state board of equalization shall include and assess to such banks all property and everything of value owned or held by them, which go to make up the value of the capital stock of such banks and bankers, if the same were incorporated and had shares of capital stock.

The word "banks" as used in this subdivision shall include banking associations, savings and loan societies and trust companies, but shall not include building and loan associations.

(d) All franchises, other than those expressly provided for in this section, shall be assessed at their actual cash value, in the manner to be provided by law, and shall be taxed at the rate of one per centum each year, and the taxes collected thereon shall be exclusively for the benefit of the state.

(e) Out of the revenues from the taxes provided for in this section, together with all other state revenues, there shall be first set apart the moneys to be applied by the state to the support of the public school system and the state university. In the event that the above named revenues are at any time deemed insufficient to meet the annual expenditures of the state, including the above named expenditures for educational purposes, there may be levied, in the manner to be provided by law, a tax, for state purposes, on all the property in the state, including the classes of property enumerated in this section, sufficient to meet the deficiency. All property enumerated in subdivisions a, b, and d of this section shall be subject to taxation, in the manner provided by law, to pay the principal and interest of any bonded indebtedness and outstanding city, city and county, county, town, township or district, before the adoption of this section. The taxes so paid for principal and interest on such bonded indebtedness shall be deducted from the total amount paid in taxes for state purposes.

(f) All the provisions of this section shall be self-executing, and the legislature shall pass all laws necessary to carry this section into effect, and shall provide for a valuation and assessment of the property enumerated in this section, and shall prescribe the duties of the state board of equalization and any other officers in connection with the administration thereof. The rates of taxation fixed in this section shall remain in force until changed by the legislature, two thirds of all the members elected to each of the two houses voting in favor thereof. The taxes herein provided for shall become a lien on the first Monday in March of each year after the adoption of this section

First—To separate state from local taxation as to sources of revenue and to provide that the state obtain its revenue from the earnings of public service corporations; the counties and cities to obtain their revenues from all other forms of property. This will obviate the necessity of the state board of equalization annually equalizing the values in the different counties, as arrived at by the assessors, a proceeding which has always resulted in friction between these officials, and is and always has been productive of inequality of taxation.

Second—To lessen the burden of taxation of the now overtaxed farmer and real estate owner by requiring public service corporations to pay their just share of taxes.

Third—To insure a steady, adequate, and non-political taxation of public service corporations, insurance companies and banks, and thereby to a large extent keep those corporations out of politics.

In order that the voter might appreciate what this amendment is expected to do the commission asserts that it will produce annually over four millions of dollars from sources that are now not paying their just proportion of taxes.

To illustrate: Such corporations as the express company, telegraph company, and telephone company operate in every city and county in the state, but in few places in the state do any of these companies have any real estate or personal property, excepting that the express company may own its books and the other companies own a few miles of wires and poles. All other properties used by these different companies in nearly all of the towns of the state are owned by the agent.

Each of these companies do a large and lucrative business in the state, and yet under the present system of ad valorem taxes, they can be taxed only for the value of the property that they own in each place, and owning nothing in most of the places they are taxed nothing. This is especially true in all country towns. Now, under the proposed amendment they are to be taxed upon their gross receipts absolutely, and, as a consequence, will pay nearly four times the taxes that each now pays, and then they will be only paying in the same proportion as other taxpayers are paying on the present basis of taxation, and all other public service corporations being increased alike, the result is that it can be mathematically demonstrated that over four million dollars of new revenue annually will be thus obtained if the present amendment is adopted; and as these public service corporations develop and extend their systems and increase business, the state will get a corresponding increase from them by way of taxes, and for every dollar that the state thus obtains that much is taken off of the other taxpayers.

When these sources of revenue are separated, all other forms of property than public service corporations will be taxed by the counties and cities only for county and city purposes, and as the state will have nothing to do with that property, the property can then be assessed at its actual cash value without injustice being done to the taxpayers; for example:

It takes only so much money to conduct the government of a county each year, and so far as the taxpayer is concerned in the revenues of the county, it makes no difference to him whether his assessment be high or low; for instance, A is assessed for ten thousand dollars, and the rate is one cent, his taxes amount to one hundred dollars; now, if he were assessed for twenty thousand dollars, and the rate was one half of one cent, his taxes would be but one hundred dollars. So, therefore, for county purposes, the aim of the assessor is to keep a low valuation and a high tax rate, because the state gets its taxes out of the same valuation, and the lower this valuation the less the state gets; and for that reason the state board of equalization is required to revise those valuations each year. In adjoining counties one assessor assesses land at, say, ten dollars per acre, and across the line the assessor of the other county assesses the same character of land at, say twelve dollars per acre; cattle in one county are assessed at fifteen dollars per head, and in the adjoining county at twelve dollars per head, and so on, and these unequal results are produced by the system now in force.

In one county this year that board raised the valuation 100 per cent, and the board of supervisors reduced the taxes 50 per cent, thus producing exactly the same revenue for the county as would have been produced at the previous rate and previous valuation, but the state got twice as much revenue by the increase in assessed valuation.

This amendment, if adopted, will obviate all this trouble, as the state will have no concern in what assessors do for their own counties. The present constitution provides for the assessing of railroad properties by the state board of equalization, but does not provide the method of arriving at the value of the property, and when thus assessed, the total taxes are divided among the counties in proportion to the number of miles of road in each county. The board of equalization has always endeavored to establish a method by which this valuation could be arrived at, but signally failed until the tax commission proposed the plan set forth in Amendment No. 1; before then the total taxes obtained from railroad companies varied from 3 to 3½ per cent of their gross receipts, and the tax commission furnished data to show that the assessed valuation of railroad properties should be such sum as would result in taxing them at 4 per cent of their gross earnings, and they would then be paying what the average taxpayer pays on a 60 per cent assessed valuation of his property, based on the average tax rate fixed throughout the state. This 4 per cent method was adopted in 1907 and 1908, and as a result the state obtained over \$1,600,000 in actual cash for railroad property taxes over and above what it would have obtained had the old method been followed, and as the earnings of the railroads increase the taxes paid to the state will correspondingly

increase. Proposed by this amendment to be fixed upon the public utility corporations of this state are at par, if not higher, than average rate as fixed by the other states on public utility corporations.

The state board of equalization for three years last past has been applying the principles of Amendment No. 1 in the assessment of steam railroads operating in this state, and by reason thereof increased those assessments from \$69,820,186, the assessment in 1905 under the old plan, to \$122,082,273 in 1909 under plan proposed in the foregoing amendment. Thus, for the year 1905 the railroads paid in taxes on such state board assessment \$1,306,606.42, while in 1909, under the plan proposed by amendment, they paid \$2,020,752.38, with substantially no increase in mileage. The above results are the result of applying principle of the amendment and not the increase in value of property.

J. B. CURTIN,

State Senator

Committee appointed under the law to write argument in favor of the adoption of Senate Constitutional Amendment No. 1.

SENATE CONSTITUTIONAL AMENDMENT NO. 11. CHAPTER 26.

Senate Constitutional Amendment No. 11.—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California, providing that a mortgage, deed of trust, contract, or other obligation by which a debt is secured land is pledged as security for the payment thereof, together with the money represented by such debt, shall be exempt from taxation and to that end amending section one and repealing section two of article thirteen of the constitution of the State of California.

[Adopted March 16, 1909.]

The legislature of the State of California, at its regular session commencing the fourth day of January, nineteen hundred and two thirds of all the members elected to each of the two houses said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to the constitution of the State of California:

First. Section one of article thirteen is hereby amended to read as follows:

Section 1. All property in the state except as otherwise in constitution provided, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained provided by law, or as hereinafter provided. The word "property" as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other interests and things, real, personal, mixed, capable of private ownership; provided, that a mortgage, deed of trust, contract, or obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall not be considered property subject to taxation; and further provided, that property used for free public libraries and free museums, growing crops, property used exclusively for public schools, and such as may belong to the United States, or to any county or municipal corporation within this state, shall be exempt from taxation. The legislature may provide, in the case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of the state.

Second. Section four of article thirteen is hereby repealed. Section 1 of article 13, proposed to be amended as above, reads as follows:

All property in the state, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law. The word "property," as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership; provided, that property used for free public libraries and free museums, growing crops, property used exclusively for public schools, and such as may belong to the United States, or to any county or municipal corporation within this state, shall be exempt from taxation. The legislature may provide, except in case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this state.

Section 4 of article 13, proposed to be repealed as above, reads as follows:

A mortgage, deed of trust, contract, or other obligation by which a debt is secured, shall, for the purposes of assessment and taxation, be deemed and treated as an interest in the property affected thereby. Except as to railroad and other quasi-public corporations in case of debt so secured, the value of the property affected by such mortgage, deed of trust, contract, or obligation, less the value of such security, shall be assessed and taxed to the owner of the property, and the value of such security shall be assessed and taxed to the owner thereof, in the county or district in which the property affected thereby is situated. The taxes so levied shall be a lien upon the property and security, and may be paid by the party to such security; if paid by the owner of such security tax so levied upon the property affected thereby shall become a part of the debt so secured; if the owner of the property shall pay tax so levied on such security, it shall constitute a payment thereon, and, to the extent of such payment, a full discharge thereof; provided, that if any such security or indebtedness shall be paid by such debtor or debtors, after assessment and before the tax on the amount of such levy may likewise be retained by such debtors, and shall be computed according to the tax levy for the preceding year.

The Reasons Why Senate Constitutional Amendment No. 11 Should Be Adopted.

To the Voters of California:

There is before the people to be voted upon at the coming election a proposed amendment to the State constitution which, if adopted, will abolish the assessment of mortgages. This proposed amendment is known as Senate Constitutional Amendment No. 11. It amends section 1 of article XIII and repeals section 4 of article XIII, of the constitution, relating to the assessment of mortgages, deeds of trust, contracts, and other obligations which a debt is secured.

The framers of our present constitution in drafting the article relating to revenue and taxation had in view the relief of the owner of "mortgaged lands" from paying all the taxes, and the same time to arouse an interest in the hitherto untapped "money lending class" by making them pay the taxes upon their money loaned. This was certainly a laudable purpose.

by this amendment to be fixed upon the public utility corporations of this state are at par, if not higher, than the rate as fixed by the other states on public utility corporations.

The state board of equalization for three years last past have been applying the principles of Amendment No. 1 in the assessment of steam railroads operating in this state, and by reason of increased those assessments from \$69,820,186, the assessment in 1905 under the old plan, to \$122,082,273 in 1909 under the proposed in the foregoing amendment. Thus, for the year the railroads paid in taxes on such state board assessments \$6,606.42, while in 1909, under the plan proposed by this amendment, they paid \$2,020,752.38, with substantially no increase in the amount. The above results are the result of applying the principle of the amendment and not the increase in value of the property.

J. B. CURTIN,

State Senator,

Committee appointed under the law to write the argument in favor of the adoption of Senate Constitutional Amendment No. 1.

SENATE CONSTITUTIONAL AMENDMENT NO. 11. CHAPTER 26.

Senate Constitutional Amendment No. 11.—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California, providing that a mortgage, deed of trust, or other obligation by which a debt is secured when the property is pledged as security for the payment thereof, together with the money represented by such debt, shall be exempt from taxation, and to that end amending section one and repealing section four of article thirteen of the constitution of the State of California.

[Adopted March 16, 1909.]

The legislature of the State of California, at its regular session, commencing the fourth day of January, nineteen hundred and nine, and the members elected to each of the two houses of the legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to the constitution of the State of California:

Section one of article thirteen is hereby amended to read as follows:

Section 1. All property in the state except as otherwise in this constitution provided, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law, or as hereinafter provided. The word "property," as used in this article and section, is hereby declared to include lands, credits, bonds, stocks, dues, franchises, and all other matters, real, personal, mixed, or intangible, of private ownership, and things, real, personal, mixed, or intangible, of public ownership, provided, that a mortgage, deed of trust, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall not be considered property subject to taxation; and further provided, that property used for free public libraries and free museums, growing crops, property used exclusively for schools, and such as may belong to the United States, this state, or to any county or municipal corporation within this state shall be exempt from taxation. The legislature may provide, except in the case of credits secured by mortgage or trust deed, for a deduction from credits due to bona fide residents of this state.

Section four of article thirteen is hereby repealed. Section 1 of article 13, proposed to be amended as above, now reads as follows:

Section 1. All property in the state, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law. The word "property," as used in this article and section, is hereby declared to include lands, credits, bonds, stocks, dues, franchises, and all other matters, real, personal, mixed, or intangible, of private ownership, and things, real, personal, mixed, or intangible, of public ownership, provided, that property used for free public libraries and free museums, growing crops, property used exclusively for schools, and such as may belong to the United States, this state, or to any county or municipal corporation within this state, shall be exempt from taxation. The legislature may provide, except in the case of credits secured by mortgage or trust deed, for a deduction from credits due to bona fide residents of this state.

Section 4 of article 13, proposed to be repealed as above, now reads as follows:

Section 4. A mortgage, deed of trust, contract, or other obligation by which a debt is secured, shall, for the purposes of assessment and taxation, be deemed and treated as an interest in the property affected thereby. Except as to railroad and other quasi-public corporations, the value of debt so secured, the value of the property affected by the mortgage, deed of trust, contract, or obligation, less the value of such security, shall be assessed and taxed to the owner of the property, and the value of such security shall be assessed and taxed to the owner thereof, in the county, city, or district in which the property affected thereby is situated. The taxes so levied shall be a lien upon the property and security, and may be paid by either party to such security; if paid by the owner of such security, the debt so levied upon the property affected thereby shall become a part of the debt so secured; if the owner of the property shall pay the debt so levied upon such security, it shall constitute a payment thereon to the extent of such payment, a full discharge thereof; provided, that if any such security or indebtedness shall be paid by any debtor or debtors, after assessment and before the tax levy, the amount of such levy may likewise be retained by such debtor or debtors, and shall be computed according to the tax levy for the preceding year.

Reasons Why Senate Constitutional Amendment No. 11 Should Be Adopted.

the Voters of California:

There is before the people to be voted upon at the coming election a proposed amendment to the State constitution which, if adopted, will abolish the assessment of mortgages. This proposed amendment is known as Senate Constitutional Amendment No. 11. It amends section 1 of article XIII and repeals section 4 of article XIII, of the constitution, relating to the assessment of mortgages, deeds of trust, contracts, and other obligations by which a debt is secured.

The framers of our present constitution in drafting the article relating to revenue and taxation had in view the relief of the owner of "mortgaged lands" from paying all the taxes, and at the same time to arouse an interest in the hitherto untaxed money lending class" by making them pay the taxes upon their money loaned. This was certainly a laudable purpose and it has been carried to a logical conclusion. But the

assessment below the true value of the mortgage, and the mortgage for assessment purposes is reduced to the assessment of the property. The borrower still pays to the money lender the full amount of the taxes estimated as interest, but the lender pays only the taxes upon the reduced value.

Again: If a mortgage be executed in the middle of March the borrower pays until the first Monday of March of the following year a tax in the form of added interest, which is never paid by the lender.

The instances are numerous where the owner has lost his property through tax sales based on these mortgage assessments. A mortgage is assessed against the property on the first Monday in March; soon after that date the mortgage is paid off and satisfied. In nine cases out of ten the money lender will neglect and refuse to pay the mortgage tax, and the same chances are that the property owner will never think of the mortgage tax when he pays his own tax. The resulting consequence is that the land is sold to the state for the mortgage tax. In due time the state finds a purchaser and sells the property without the owner ever knowing there was a delinquent tax against his property.

On the score of economy the exemption from taxation of mortgages might be urged: First, the clerical labor in the banks in keeping track of the assessment of mortgages is augmented, and must be paid for by increase of interest; second, the assessment of mortgages is costly to the county. The recorder has to make a record of each mortgage for the use of the assessor. In assessing a mortgage it has to be described with the same particularity as the property mortgaged. There is, in fact, double the record-work performed where the mortgage is assessed, besides the labor involved in the care in the discovering the mortgage. Every assessor knows that the cost of assessing the property and the mortgage is not less than three times the cost of assessing merely the property.

We know that the plea is that by exempting the mortgage from taxation the capitalist is not taxed. But this is urged without reflection, for, as has been shown, the lender simply recoups from the needy borrower all and more than the taxes he pays.

On the whole, we see no good result in assessing mortgages. On the contrary, if mortgages were free from taxation, the rate of interest would be less, the cost of assessment less, and the borrower would be less at the mercy of the money lender.

We appeal to the common sense of the people of the state, who are suffering from a self-imposed burden, to vote for the adoption of this amendment and exempt mortgages and deeds of trust from taxation.

J. B. CURTIN,

H. S. G. MCCARTNEY,

State Senators,

Committee appointed under the law to write the argument in favor of the adoption of Senate Constitutional Amendment No. 11.

SENATE CONSTITUTIONAL AMENDMENT NO. 36.

CHAPTER 34.

Senate Constitutional Amendment No. 36.—A resolution to propose to the people of the State of California an amendment to article six, section eight of the constitution, relating to judges of the superior court.

[Adopted March 19, 1909.]

The legislature of the State of California, at its thirty-eighth regular session, commencing on the 4th day of January, nineteen hundred and nine, two thirds of the members elected to both the senate and assembly, respectively, voting therefor, hereby proposes to the people of the State of California that section eight of article six of the constitution of this state be amended to read as follows:

Section 8. A judge of any superior court may hold a superior court in any county, at the request of a judge of the superior court thereof, and upon the request of the governor it shall be his duty so to do. But a cause in the superior court may be tried by a judge pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, and sworn to try the cause and the person so selected shall be empowered to act in such capacity in all further proceedings in any suit or proceedings tried before him until the final determination thereof. There may be as many sessions of a superior court at the same time as there are judges thereof, including any judge or judges acting upon request, or any judge or judges pro tempore. The judgments, orders, acts and proceedings of any session of any superior court held by one or more judges acting upon request, or judge or judges pro tempore, shall be equally effective as if the judge or all of the judges of such court presided at such session.

Section 8 of article 6, proposed to be amended as above now reads as follows:

A judge of any superior court may hold a superior court in any county, at the request of a judge of the superior court thereof, and upon the request of the governor it shall be his duty so to do. But a cause in the superior court may be tried by a judge pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court, and sworn to try the cause.

Argument of Senate Committee for the Affirmative, composed of Senators Burnett and Roseberry, in the matter of the proposed Senate Constitutional Amendment No. 36, regarding judges of the Superior Court, to be voted on at the general election in November, 1910.

Senate Constitutional Amendment No. 36 (Senator Lester G. Burnett, of the Twenty-fifth Senatorial District, author) is proposed for the purpose of facilitating the conduct of the business of the superior courts in the various counties and cities and counties of the State of California.

The constitution provides: "There may be as many sessions of said court at the same time as there are judges thereof."

The above provision of the constitution is held to mean that

the electors should vote for the proposed amendment.

LESTER G. BURNETT,

LOUIS H. ROSEBERRY,

Senate Committee for the Affirmative.

March 12, 1910.

SENATE CONSTITUTIONAL AMENDMENT NO. 38.

CHAPTER 42.

Senate Constitutional Amendment No. 38.—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California, by amending section three of article XI thereof, and relating to the formation of new counties, and altering the boundary lines of existing counties.

[Adopted March 27, 1909.]

The legislature of the State of California, at its regular session, commencing the 4th day of January, in the year one thousand nine hundred and nine, two thirds of all the members elected to each of the houses of said legislature voting in favor thereof, hereby propose that section three of article XI of the constitution of the State of California, be amended so as to read as follows:

Section 3. The legislature, by general and uniform laws, may provide for the alteration of county boundary lines, and for the formation of new counties; provided, however, that no new county shall be established which shall reduce any county to a population of less than twenty thousand; nor shall a new county be formed containing a less population than eight thousand; nor shall any line thereof pass within five miles of the exterior boundary of the city or town in which the county seat of any county proposed to be divided is situated. Every county which shall be enlarged or created from territory taken from any other county or counties, shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken.

Section 3 of article 11, proposed to be amended as above, now reads as follows:

The legislature, by general and uniform laws, may provide for the formation of new counties; provided, however, that no new county shall be established which shall reduce any county to a population of less than eight thousand; nor shall a new county be formed containing a less population than five thousand; nor shall any line thereof pass within five miles of the county seat of any county proposed to be divided. Every county which shall be enlarged or created from territory taken from any other county or counties, shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken.

Statement in Favor of Senate Constitutional Amendment No. 38.

Under the present constitutional provision a new county may be formed with a population of five thousand, and the population of the county from which its territory is taken may be reduced to eight thousand. If the amendment should be adopted, no new county can be formed with a population less than eight thousand, and the population of any county from which territory is taken can not be reduced to less than twenty thousand. The purpose of the amendment is to make it more difficult to organize new counties within the state. Heretofore there has been much agitation in certain localities of the state, and much time of the legislature has been occupied in controversies over the proposed formation of new counties from the territory of one or more old counties. Such controversies often arise out of local prejudice, and sometimes the new county is promoted largely as a real estate venture by residents of a locality that is ambitious to become a county seat. The formation of a new county is always attended by a heavy tax rate, and unless the necessity for a change is clearly apparent the political subdivisions of the state should remain unchanged. Stability in the boundaries of our counties is desirable from almost every point of view. The constitutional amendment proposed, if adopted, will tend to make our county boundaries more stable and largely put a stop to efforts to cut the state up into small and impetuous political subdivisions. The proposed amendment is therefore desirable.

LEROY A. WRIGHT,

State Senator, Fortieth District.

HENRY M. WILLIS,

State Senator, Thirtieth District.

SENATE CONSTITUTIONAL AMENDMENT NO. 44.

CHAPTER 27.

Senate Constitutional Amendment No. 44.—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California, providing for the classification by the legislature of cities and towns by population for the purpose of regulating the business of banking, by amending section five, article twelve of the constitution of the State of California.

[Adopted March 16, 1909.]

The legislature of the State of California, at its regular session, commencing the fourth day of January, nineteen hundred and nine, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendments to the constitution of the State of California:

First. Section five of article twelve is hereby amended to read as follows:

Section 5. The legislature shall have no power to pass any act granting any charter for banking purposes, but corporations or associations may be formed for such purposes under general laws, and the legislature shall provide for the classification of cities and towns by population for the purpose of regulating the business of banking. No corporation, association, or individual shall issue or put in circulation, as money, anything but the lawful money of the United States.

Section 5 of article 12, proposed to be amended as above, now reads as follows:

The legislature shall have no power to pass any act granting any charter for banking purposes, but corporations or associations may be formed for such purposes under general laws. No corporation, association, or individual shall issue or put in circulation, as money, anything but the lawful money of the United States.

without shall be deemed to be within this state, and a mileage within this business is done, of out of this state, as follows: On all rail- one per cent; on all alace car companies, aning and other car oing express business s, two per cent; on all one half per cent; on le of gas or electricity, f all other taxes and property above enum- this section provided; id to release any such agreed to be paid or privilege or franchise this state. doing business in this one and one half per ceived upon its busi- is and reinsurance in business in this state; said one and one half nt of any county and real estate owned by of all other taxes and the property of such es on real estate, and provided, that when by taxes, fines, penalties, ss, or other obligations mpanies of this state, or upon their agents, ties, licenses, fees, de- gations or prohibitions, er state or country, so obligations and prohi- ly the legislature upon ntry doing business in s, organized under the of any other state and axed to the owners or tion, in the manner to re the bank is located re assessed upon such le to the state, of one of each share of stock n, shall be taken to be ro rata of the accumu- e of each share of stock taken to be its pro rata shall be in lieu of all municipal, upon such n banks, except count- pt as otherwise in this of the capital stock of value, as defined above, / real estate, other than nk and taxed for county ate for this tax and the half of the stockholders by law, and they shall any dividends declared

ndividued profits and all nks or bankers of this ite which has no shares any branches, agencies, business outside of the sed and taxed to such ization, in the manner ame rate that is levied ated banks, as provided ie value of said property operty invested in such is, and undivided profits, from the value as as- s, other than mortgage xed for county purposes. es and licenses, state, the banks and bankers and municipal taxes on ction provided. It is the capital and property of agraph shall be assessed ed bank, provided for in determining the value of nks and bankers men- of equalization shall and everything of value e the value of the capital e were incorporated and

lson shall include bank- and trust companies, but tions. ssally provided for in this sh value, in the manner l at the rate of one per ereon shall be exclusively

ovided for in this section, e shall be first set apart he support of the public the event that the above nsufficient to meet the he above named expendi- be levied, in the manner poses, on all the property erty enumerated in this l property enumerated in be subject to taxation, in nicipal and interest of any ng by any city, county and before the adoption of this d interest on such bonded tal amount paid in taxes

all be self-executing, and to carry this section into d assessment of the prop- prescribe the duties of the officers in connection with- taxation fixed in this sec- the legislature, two thirds we houses voting in favor shall become a lien on the he adoption of this section

First—To separate state from local taxation as to sources of revenue and to provide that the State obtain its revenue from the earnings of public service corporations; the counties and cities to obtain their revenues from all other forms of property. This will obviate the necessity of the state board of equalization annually equalizing the values in the different counties, as arrived at by the assessors, a proceeding which has always resulted in friction between these officials, and is and always has been productive of inequality of taxation.

Second—To lessen the burden of taxation of the now overtaxed farmer and real estate owner by requiring public service corporations to pay their just share of taxes.

Third—To insure a steady, adequate, and non-political taxation of public service corporations, insurance companies and banks, and thereby to a large extent keep those corporations out of politics.

In order that the voter might appreciate what this amendment is expected to do the commission asserts that it will produce annually over four millions of dollars from sources that are now not paying their just proportion of taxes.

To illustrate: Such corporations as the express company, telegraph company, and telephone company operate in every city and county in the state, but in few places in the state do any of these companies have any real estate or personal property, excepting that the express company may own its books and the other companies own a few miles of wires and poles. All other properties used by these different companies in nearly all of the towns of the state are owned by the agent.

Each of these companies do a large and lucrative business in the state, and yet under the present system of ad valorem taxes, they can be taxed only for the value of the property that they own in each place, and owning nothing in most of the places they are taxed nothing. This is especially true in all country towns. Now, under the proposed amendment they are to be taxed upon their gross receipts absolutely, and, as a consequence, will pay nearly four times the taxes that each now pays, and then they will be only paying in the same proportion as other taxpayers are paying on the present basis of taxation, and all other public service corporations being increased alike, the result is that it can be mathematically demonstrated that over four million dollars of new revenue annually will be thus obtained if the present amendment is adopted; and as these public service corporations develop and extend their systems and increase business, the state will get a corresponding increase from them by way of taxes, and for every dollar that the state thus obtains that much is taken off of the other taxpayers.

When these sources of revenue are separated, all other forms of property than public service corporations will be taxed by the counties and cities only for county and city purposes, and as the state will have nothing to do with that property, the property can then be assessed at its actual cash value without injustice being done to the taxpayers; for example:

It takes only so much money to conduct the government of a county each year, and so far as the taxpayer is concerned in the revenues of the county, it makes no difference to him whether his assessment be high or low; for instance, A is assessed for ten thousand dollars, and the rate is one cent, his taxes amount to one hundred dollars; now, if he were assessed for twenty thousand dollars, and the rate was one half of one cent, his taxes would be but one hundred dollars. So, therefore, for county purposes, the aim of the assessor is to keep a low valuation and a high tax rate, because the state gets its taxes out of the same valuation, and the lower this valuation the less the state gets; and for that reason the state board of equalization is required to revise those valuations each year. In adjoining counties one assessor assesses land at, say, ten dollars per acre, and across the line the assessor of the other county assesses the same character of land at, say, twelve dollars per acre; cattle in one county are assessed at fifteen dollars per head, and in the adjoining county at twelve dollars per head, and so on, and these unequal results are produced by the system now in force.

In one county this year that board raised the valuation 100 per cent, and the board of supervisors reduced the taxes 50 per cent, thus producing exactly the same revenue for the county as would have been produced at the previous rate and previous valuation, but the state got twice as much revenue by the increase in assessed valuation.

This amendment, if adopted, will obviate all this trouble, as the state will have no concern in what assessors do for their own counties. The present constitution provides for the assessing of railroad properties by the state board of equalization, but does not provide the method of arriving at the value of the property, and when thus assessed, the total taxes are divided among the counties in proportion to the number of miles of road in each county. The board of equalization has always endeavored to establish a method by which this valuation could be arrived at, but signally failed until the tax commission proposed the plan set forth in Amendment No. 1; before then the total taxes obtained from railroad companies varied from 3 to 3½ per cent of their gross receipts, and the tax commission furnished data to show that the assessed valuation of railroad properties should be such sum as would result in taxing them at 4 per cent of their gross earnings, and they would then be paying what the average taxpayer pays on a 60 per cent assessed valuation of his property, based on the average tax rate fixed throughout the state. This 4 per cent method was adopted in 1907 and 1908, and as a result the state obtained over \$1,600,000 in actual cash for railroad property taxes over and above what it would have obtained had the old method been followed, and as the earnings of the railroads increase the taxes paid to the state will correspondingly

corporations or this state are at par, it not higher, than the average rate as fixed by the other states on public utility corporations.

The state board of equalization for three years last past have been applying the principles of Amendment No. 1 in the assessment of steam railroads operating in this state, and by reason thereof increased those assessments from \$69,820,186, the assessment in 1905 under the old plan, to \$122,082,273 in 1909 under the plan proposed in the foregoing amendment. Thus, for the year 1905 the railroads paid in taxes on such state board assessments \$1,306,606.42, while in 1909, under the plan proposed by this amendment, they paid \$2,020,752.38, with substantially no increase in mileage. The above results are the result of applying the principle of the amendment and not the increase in value of the property.

J. B. CURTIN,
State Senator,
Committee appointed under the law to write the argument in favor of the adoption of Senate Constitutional Amendment No. 1.

SENATE CONSTITUTIONAL AMENDMENT NO. 11.
CHAPTER 26.

Senate Constitutional Amendment No. 11.—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California, providing that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall be exempt from taxation, and to that end amending section one and repealing section four of article thirteen of the constitution of the State of California.

[Adopted March 16, 1909.]

The legislature of the State of California, at its regular session, commencing the fourth day of January, nineteen hundred and nine, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to the constitution of the State of California:

First. Section one of article thirteen is hereby amended to read as follows:

Section 1. All property in the state except as otherwise in this constitution provided, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law, or as hereinafter provided. The word "property," as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership; provided, that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall not be considered property subject to taxation; and further provided, that property used for free public libraries and free museums, growing crops, property used exclusively for public schools, and such as may belong to the United States, this state, or to any county or municipal corporation within this state shall be exempt from taxation. The legislature may provide, except in the case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this state.

Second. Section four of article thirteen is hereby repealed.

Section 1 of article 13, proposed to be amended as above, now reads as follows:

All property in the state, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law. The word "property," as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership; provided, that property used for free public libraries and free museums, growing crops, property used exclusively for public schools, and such as may belong to the United States, this state, or to any county or municipal corporation within this state, shall be exempt from taxation. The legislature may provide, except in case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this state.

Section 4 of article 13, proposed to be repealed as above, now reads as follows:

A mortgage, deed of trust, contract, or other obligation by which a debt is secured, shall, for the purposes of assessment and taxation, be deemed and treated as an interest in the property affected thereby. Except as to railroad and other quasi-public corporations, in case of debt so secured, the value of the property affected by such mortgage, deed of trust, contract, or obligation, less the value of such security, shall be assessed and taxed to the owner of the property, and the value of such security shall be assessed and taxed to the owner thereof, in the county, city, or district in which the property affected thereby is situate. The taxes so levied shall be a lien upon the property and security, and may be paid by either party to such security; if paid by the owner of the property, the party so levied upon the property affected thereby shall become a part of the debt so secured; if the owner of the property shall pay the tax so levied on such security, it shall constitute a payment thereon, and, to the extent of such payment, a full discharge thereof; provided, that if any surety, after assessment and before the tax levy, such debtor or debtors, after assessment and before the tax levy, the amount of such levy may likewise be retained by such debtor or debtors, and shall be computed according to the tax levy for the preceding year.

The Reasons Why Senate Constitutional Amendment No. 11 Should Be Adopted.

To the Voters of California:

There is before the people to be voted upon at the coming election a proposed amendment to the State constitution which, if adopted, will abolish the assessment of mortgages. This proposed amendment is known as Senate Constitutional Amendment No. 11. It amends section 1 of article XIII and repeals section 4 of article XIII, of the constitution, relating to the assessment of mortgages, deeds of trust, contracts, and other obligations by which a debt is secured.

The framers of our present constitution in drafting the article relating to revenue and taxation had in view the relief of the owner of "mortgaged lands" from paying all the taxes, and at the same time to arouse an interest in the hitherto untaxed "money lending class" by making them pay the taxes upon their money loaned. This was certainly a laudable purpose and could have been carried to a logical conclusion. But the

gage for assessment purposes is reduced of the property. The borrower still pays the full amount of the taxes estimated lender pays only the taxes upon the reduced. Again: If a mortgage be executed in the borrower pays until the first Monday of May a tax in the form of added interest, with the lender.

The instances are numerous where the property through tax sales based on these. A mortgage is assessed against the property day in March; soon after that date the mortgagor is satisfied. In nine cases out of ten the mortgagor and refuse to pay the mortgage tax, and that the property owner will never think when he pays his own tax. The resulting the land is sold to the state for the mortgage state finds a purchaser and sells the property ever knowing there was a delinquent tax.

On the score of economy the exemption of mortgages might be urged: First, the clerical keeping track of the assessment of mortgages must be paid for by increase of interest; second, of mortgages is costly to the county. The a record of each mortgage for the use of the ing a mortgage it has to be described with as the property mortgaged. There is, in fact, work performed where the mortgage is labor involved in the care in the disbursement. Every assessor knows that the cost of assessing the mortgage is not less than three times merely the property.

We know that the plea is that by exempting from taxation the capitalist is not taxed without reflection, for, as has been shown, recoups from the needy borrower all and he pays.

On the whole, we see no good result in. On the contrary, if mortgages were free of interest would be less, the cost of assessing a borrower would be less at the mercy of the lender.

We appeal to the common sense of those who are suffering from a self-imposed burden of adoption of this amendment and exempting trust from taxation.

J. B. CURTIN,
H. S.

Committee appointed under argument in favor of the Constitutional Amendment

SENATE CONSTITUTIONAL AMENDMENT NO. 11.
CHAPTER 26.

Senate Constitutional Amendment No. 11.—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California, providing that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall be exempt from taxation, and to that end amending section one and repealing section four of article thirteen of the constitution of the State of California.

[Adopted March 19, 1909.]

The legislature of the State of California, at its regular session, commencing on the 4th day of January, nineteen hundred and nine, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to the constitution of the State of California:

Section 1. A judge of any superior court in any county, at the request of a party to a cause in the superior court, may be appointed, at the request of the governor, to sit on the court, who must be a member of the bar, and who must be sworn to try the cause and the person so appointed to act in such capacity in all further proceedings tried before him until the final judgment is rendered. There may be as many sessions of a superior court as there are judges thereof, including any sessions upon request, or any judge or judges pro tempore, acts and proceedings of any sessions held by one or more judges acting upon request, shall be equally effective as sessions of such court presided at such sessions.

Section 8 of article 6, proposed to be amended as follows:

A judge of any superior court may hold court, at the request of a judge of the court, upon the request of the governor, it shall be a cause in the superior court may be tried by a judge of the bar, agree parties litigant, or their attorneys of record and sworn to try the cause.

Argument of Senate Committee for the Senators Burnett and Roseberry, in the Senate Constitutional Amendment No. 11, to the Superior Court, to be voted on a November, 1910.

Senate Constitutional Amendment No. 11, of the Twenty-fifth Senatorial District, proposed for the purpose of facilitating the business of the superior courts in the various counties of the State of California.

The constitution provides: "There may be one or more judges of the superior court at the same time as there are judges of the inferior courts."

The above provision of the constitution only the same number of judges of the

Amendments to the Constitution of the State of California, with legislative reasons for adoption thereof,

to be voted upon at the General Election to be held on the eighth day of November, A. D. 1910,
BY THE COUNTY CLERKS OF THE SEVERAL COUNTIES OF THE STATE OF CALIFORNIA, AND TO THE REGISTRAR OF VOTERS OF THE CITY AND COUNTY OF SAN FRANCISCO, BY C. F. CURRY, SECRETARY OF

the State of California,
Department of State.

to the qualified electors of the State of California:

WHEREAS, the Legislature of the State of California, at its thirty-eighth session, beginning on the 4th day of January, A. D. 1909, and ending on the 24th day of March, A. D. 1909, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, proposed the following several amendments to the constitution of the State of California, numbered and distinguished by numbers, to wit: Senate Constitutional Amendment No. 11; Senate Constitutional Amendment No. 36; Senate Constitutional Amendment No. 38; Senate Constitutional Amendment No. 44; and Assembly Constitutional Amendment No. 14, all of which said constitutional amendments were duly passed by the Senate and Assembly of the State of California in the manner required by section one of article eighteen of the constitution of the State of California.

AND WHEREAS, said Legislature duly passed an act entitled "An act to provide for the issuance and sale of state bonds to create a fund for the improvement of San Francisco harbor and the construction by the board of state harbor commissioners of wharves, piers, state railroad, spurs, betterments, and appurtenances and necessary dredging and filling in connection therewith in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; to define the duties of state officers in relation thereto; to make an appropriation of one thousand dollars for the expense of printing said bonds; and to provide for the submission of this act to a vote of the people." Approved March 20, 1909.

AND WHEREAS, said Legislature duly passed an act entitled "An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people." Approved March 24, 1909.

AND WHEREAS, said Legislature duly passed an act entitled "An act to provide for the issuance and sale of state bonds to create a fund for the construction by the board of state harbor commissioners for the bay of San Diego of harbor improvements consist of a seawall, wharves, piers, state railroad, spurs, betterments and appurtenances in the county of San Diego; to create a sinking fund for the payment of said bonds; to define the duties of state officers in relation thereto; to make an appropriation of one thousand five hundred dollars for the expense of printing said bonds, and to provide for the submission of this act to a vote of the people." Approved April 16, 1909.

AND WHEREAS, said Legislature duly passed an act entitled "An act authorizing the construction, acquisition, maintenance and control of a system of state highways in the State of California; specifying the work, fixing the payments to be made by counties for moneys expended therein; providing for the issuance and sale of state bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds; and providing for the submission of this act to a vote of the people." Approved March 22, 1909.

AND WHEREAS, the Legislature of the State of California, at its extraordinary session of the thirty-eighth session, beginning on the sixth day of September, A. D. 1910, and ending on the ninth day of September, A. D. 1910, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, proposed the following several amendments to the constitution of the State of California prepared and distinguished by numbers, to wit: Senate Constitutional Amendment No. 52 and Assembly Constitutional Amendment No. 33.

AND WHEREAS, the Legislature of the State of California, at its second extraordinary session of the thirty-eighth session, beginning on the third day of October, A. D. 1910, and ending on the fifth day of October, A. D. 1910, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, proposed the following amendment to the constitution of the State of California prepared and distinguished by number, to wit: Senate Constitutional Amendment No. 1.

Therefore, pursuant to an act of the Legislature of the State of California, entitled "An act to amend section one thousand one hundred and ninety-five of the Political Code relating to constitutional amendments and providing for the publication and distribution of a pamphlet showing a comparative statement of the operation of the present section or article of the constitution of the State of California, and of the result to be effected by the proposed amendment," approved March 10, 1909, and also, in pursuance of an act entitled "An act to add a new section to the Political Code of the State of California, to be numbered 1195a, relating to the advertising of amendments to the constitution," approved March 10, 1909, I have caused to be printed and transmitted to each of the County Clerks in this State, and to the Registrar of Voters of the city and county of San Francisco, for distribution to said qualified electors, copies of the said proposed amendments to the constitution of the State of California and propositions to be voted upon at the next general election to be held on the eighth day of November, A. D. 1910.

Respectfully submitted.

C. F. CURRY, Secretary of State.

Each amendment is designed:

First—To separate state from local taxation as to sources of revenue and to provide that the State obtain its revenue from earnings of public service corporations; the counties and cities to obtain their revenues from all other forms of property. This will obviate the necessity of the state board of equalization in equalizing the values in the different counties, as arrived at by the assessors, a proceeding which has always resulted in contention between these officials, and in and always has been productive of inequality of taxation.

Second—To lessen the burden of taxation of the now overtaxed farmer and real estate owner by requiring public service corporations to pay their just share of taxes.

Third—To insure a steady, adequate, and non-political taxation of public service corporations, insurance companies and banks, and thereby to a large extent keep those corporations out of politics.

Fourth—To order that the voter might appreciate what this amendment is expected to do the commission asserts that it will produce annually over four millions of dollars from sources that are now paying their just proportion of taxes.

Fifth—To illustrate: Such corporations as the express company, telephone company, and telephone company operate in every city and county in the state, but in few places in the state do any of these companies have any real estate or personal property, excepting the express company may own its books and the other companies own a few miles of wires and poles. All other properties are owned by these different companies in nearly all of the towns of the state.

proposed by this amendment to be fixed upon the public utility corporations of this state are at par, if not higher, than the average rate as fixed by the other states on public utility corporations.

The state board of equalization for three years last past have been applying the principles of Amendment No. 1 in the assessment of steam railroads operating in this state, and by reason thereof increased those assessments from \$69,820,186, the assessment in 1905 under the old plan, to \$122,082,273 in 1909 under the plan proposed in the foregoing amendment. Thus, for the year 1905 the railroads paid in taxes on such state board assessments \$1,306,606.42, while in 1909, under the plan proposed by this amendment, they paid \$2,020,752.38, with substantially no increase in mileage. The above results are the result of applying the principle of the amendment and not the increase in value of the property.

J. B. CURTIN,

State Senator,

Committee appointed under the law to write the argument in favor of the adoption of Senate Constitutional Amendment No. 1.

SENATE CONSTITUTIONAL AMENDMENT NO. 11.

CHAPTER 26.

Senate Constitutional Amendment No. 11.—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California, providing that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with

Again: In many cases mortgaged property is reduced in the assessment below the true value of the mortgage, and the mortgage for assessment purposes is reduced to the assessment of the property. The borrower still pays to the money lender the full amount of the taxes estimated as interest, but the lender pays only the taxes upon the reduced value.

Again: If a mortgage be executed in the middle of March the borrower pays until the first Monday of March of the following year a tax in the form of added interest, which is never paid by the lender.

The instances are numerous where the owner has lost his property through tax sales based on these mortgage assessments. A mortgage is assessed against the property on the first Monday in March; soon after that date the mortgage is paid off and satisfied. In nine cases out of ten the money lender will neglect and refuse to pay the mortgage tax, and the same chances are that the property owner will never think of the mortgage tax when he pays his own tax. The resulting consequence is that the land is sold to the state for the mortgage tax. In due time the state finds a purchaser and sells the property without the owner ever knowing there was a delinquent tax against his property.

On the score of economy the exemption from taxation of mortgages might be urged: First, the clerical labor in the banks in keeping track of the assessment of mortgages is augmented, and must be paid for by increase of interest; second, the assessment of mortgages is costly to the county. The recorder has to make a record of each mortgage for the use of the assessor. In assessing a mortgage it has to be described with the same particularity as the property mortgaged. There is, in fact, double the record-

eight
ing
ing
the
T
and
alm
ing
In
from
the
tho
this
T
hall
T
upo
sys
cen
T
stit
sup
cou
cou
salc
and
Thi
Y
dut
requ
decl
his
In
the
per
pop
bbs
cou
gre
help
It
stit
(for
pro
and
cas
by
ing
whc
com
over
W
the

Senat
the
the
XI
all

The
comm
hunds
the h
pose
State
Sec
provi
forms
shall
of loc
conta
there
town
is sit
terri

d million
one half
his state,
by prac-
and by a
thousand
ur years.
to be the
n in San
subscrip-
city and
iff to the
if this
ornia will
n Decem-
0,000
0,000
0,000
11 dollars,
llion five
scription
when this
e fourth
citizens,
bonding
the bay,
int to be
ortion to
state.
s a mat-
terefore
to appro-
rnational
gn coun-
ladephia,
t Seattle,
most pro-
e paid to
ropose to
world to
ompletion
d Pacific
ilities.
will come
ll become
e farms,
ll remain
ing pros-
viding for
a climate
What we
s a larger
who will
stitutions.
of people.
rect from
ern port.
ll prevail,
t step to
States to
a. Every
nendment
nor of the
appointed
t sections
er seen.
the argu-
stitutional
NO. 14.
s to propos-
to the con-
to be num-
right of the
ular session
undred sal-
use of sal-
a new sec-
ornia to be
llows
on and from
f, excepting
vned by the
n the people
public land
r containing
led, that the
and the con-
taken.
14 Should
ornia.
California
e sport of

subscription, enlarged to seven and one half millions.

The citizens desire to adopt a bond issue, which now meets some legal interference, through a provision of the state constitution and a provision in the charter.

This amendment to the constitution is simply an "enabling act" to permit the people of San Francisco, for this time only, to amend their charter in this particular, and granting permission for the occupation, for exposition purposes, of the westerly portion of Golden Gate Park, if that site should be selected, which part is now little used by pedestrians and pleasure-seekers, without further consent of the legislature, so that the bond issue may be at once adopted, and without any objection in law as to its validity.

The voting of this amendment will place San Francisco, from its own resources alone, in position to combat the claims of New Orleans and the State of Louisiana, with twelve million five hundred thousand dollars, and will, itself, go far to insure to California and the Pacific coast the holding of this exposition, which means more to the whole state than any event in our generation.

The completion of the Panama canal brings the markets of the world to the shores of California.

This is the opportunity of our people to grasp manifest destiny. If the people of San Francisco desire to bond themselves, I, as a resident of southern California, can see no reason why the rest of the state should offer any objection, but the consent of a majority of the people is necessary to enable them under the law to do this, and the vote to permit them ought to be unanimous.

PHILIP A. STANTON,
Speaker of the Assembly,
Committee appointed under the law to write the argument in favor of the adoption of Assembly Constitutional Amendment No. 33.

until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

SEC. 11. It shall be the duty of the secretary of state to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this state, for three months next preceding the general election to be holden in the month of November, nineteen hundred and ten, the costs of publication shall be paid out of the San Francisco harbor improvement fund, on controller's warrants duly drawn for that purpose.

SEC. 12. This act may be known and cited as the "San Francisco Harbor Improvement Act of 1907."

SEC. 13. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

ASSEMBLY BILL NO. 990.

CHAPTER 383.

An act authorizing the construction, acquisition, maintenance and control of a system of state highways in the State of California; specifying the work, fixing the payments to be made by counties for moneys expended therein; providing for the issuance and sale of state bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds; and providing for the submission of this act to a vote of the people.

[Approved March 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

said bonds; and providing for the redemption of said bonds of the people.

[Approved March 24, 1909.]

The people of the State of California, represented in assembly, do enact as follows:

SECTION 1. For the purpose of providing a fund for the redemption of the indebtedness authorized to be incurred by the board of harbor commissioners for the acquisition of the necessary tidal basin, extending the area of India basin, on the water front of the city and county of San Francisco, as provided in an act entitled "An act to authorize and direct the board of state harbor commissioners to institute condemnation proceedings against certain lands north of India basin, and extending to Islais creek and county of San Francisco, and extending the jurisdiction of the board over the same, and providing for the payment of the same from the proceeds of bonds issued and sold under the authority of an act entitled 'An act to provide for the issuance and sale of bonds to create a fund for the acquisition by the board of harbor commissioners, of a necessary area for a tidal basin, wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the redemption of said bonds; and defining the duties of state officers thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the sale of said bonds at a vote of the people,'" the state treasurer is authorized, immediately after the issuance of the proclamation of the governor providing for the sale of said bonds, to prepare one thousand such bonds for the State of California, in the denomination of one hundred dollars each. The whole issue of said bonds shall not exceed one million dollars, and said bonds shall bear interest of four per centum per annum, from the time of the sale

SENATE BILL NO. 485.
CHAPTER 320.

An act to provide for the issuance and sale of state bonds to create a fund for the improvement of San Francisco harbor by the construction by the board of state harbor commissioners of wharves, piers, state railroad, spurs, betterments, and appurtenances and necessary dredging and filling in connection therewith in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; to define the duties of state officers in relation thereto; to make an appropriation of five thousand dollars for the expense of printing said bonds; and to provide for the submission of this act to a vote of the people.

[Approved March 20, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness hereby authorized to be incurred by the board of state harbor commissioners for the erection of wharves, piers, seawall, state railroad, spurs, betterments and appurtenances and necessary dredging and filling in connection therewith in the city and county of San Francisco, at a cost not to exceed nine million dollars (which said wharves, piers, seawall, state railroad, spurs, betterments and appurtenances and necessary dredging and filling in connection therewith the board of state harbor commissioners are hereby empowered to contract to do in any manner, authorized by law, and at a cost not to exceed said nine million dollars) the state treasurer shall, immediately after the issuance of the proclamation of the governor provided for in section 10 hereof, prepare nine thousand suitable bonds of the State of California, in the denomination of one thousand dollars each. The whole issue of said bonds shall not exceed the sum of nine million dollars, and said bonds shall bear interest at the rate of four per centum per annum, from the date of issuance thereof, and both principal and interest shall be payable in gold coin of the present standard value, and they shall be payable at the office of the state treasurer, at the expiration of seventy-four years from their date subject, however, to redemption by lot as in this act hereinafter provided. Said bonds shall bear date the second day of July, A. D. nineteen hundred and eleven, and shall be made payable on the second day of July, of each year, commencing on the second day of July, A. D. nineteen hundred and twelve, on so many of said bonds as may have been theretofore sold. At the expiration of seventy-four years from the date of said bonds, all bonds sold shall cease to bear interest and likewise all bonds redeemed by lot shall cease to bear interest as in this act provided, and the said state treasurer shall call in, forthwith pay and cancel the same, out of the moneys in the second San Francisco seawall sinking fund provided for in this act, and he shall on the first Monday of July, nineteen hundred and eighty-five, also cancel and destroy all bonds not theretofore sold. All bonds issued shall be signed and endorsed by the governor, and countersigned by the state treasurer, and shall be signed and countersigned by the state treasurer, and shall be signed, countersigned and endorsed by the officers who are in office on the second day of July, 1911, and each of said bonds shall have the

signed and endorsed and sealed as herein provided when sold shall be and constitute a valid and binding obligation upon the State of California, though the sale thereof be made at a date or dates after the person signing, countersigning and endorsing, or any or either of them, shall have ceased to be the incumbents of such office or offices. Each bond shall contain a clause that it is subject to redemption by lot after the year nineteen hundred and fifty.

SEC. 2. Interest coupons shall be attached to each of said bonds, so that such coupons may be removed without injury to or mutilation of the bond. Said coupons shall be consecutively numbered, and shall bear the lithographed signature of the state treasurer who shall be in office on the second day of July, 1911. But no interest on any of said bonds shall be paid for any time which may intervene between the date of any of said bonds and the issue and sale thereof to a purchaser, unless such accrued interest shall have been, by the purchaser of said bond, paid to the state at the time of such purchase.

SEC. 3. That the said dollars are hereby appropriated to the payment of an expense that may be incurred by the state treasurer in having said bonds prepared. Said amount shall be paid out of the San Francisco harbor improvement fund on controller's warrants, duly drawn for that purpose.

SEC. 4. When the bonds authorized to be issued under this act shall be duly executed, they shall be by the state treasurer sold at public auction to the highest bidder for cash, in such parcels and numbers as said treasurer shall be directed by the governor of the state, under seal thereof, after a resolution requesting such sale shall have been adopted by the board of state harbor commissioners, and approved by either the governor of the state or mayor of the city and county of San Francisco, who shall only approve the same when in their judgment the actual harbor improvements, and those reasonably anticipated, justify the issue of bonds, and the consequent increased burden on the treasury receipts; but said treasurer must reject any and all bids for said bonds, or for any of them, which shall be below the par value of said bonds so offered plus the interest which has accrued thereon

Immediately after the issuance of the proclamation of the governor, as provided in section 11 of this act, the treasurer of the state shall prepare eighteen thousand suitable bonds of the State of California in the denomination of one thousand dollars each, to be numbered from 1 to 18,000 inclusive, and to bear the date of the third day of July, 1911. The total issue of said bonds shall not exceed the sum of eighteen million dollars and they shall bear interest at the rate of four per cent per annum from the date of issuance thereof. The said bonds and the interest thereon shall be payable in gold coin of the United States of the present standard of value at the office of the treasurer of said state at the times and in the manner following, to wit: The first four hundred of said bonds shall be due and payable on the third day of July, 1917, and four hundred of said bonds in consecutive numerical order shall be due and payable on the third day of July in each and every year thereafter until and including the third day of July, 1961. The interest accruing on all of said bonds that shall be sold shall be payable at

one ounce of the treasurer of the state on the third day of January and the third day of July of each and every year after the sale of the same. The interest on all bonds issued and sold shall cease on the day of the maturity of the said bonds so issued and sold shall on the day of their maturity be paid as herein provided, and canceled by the treasurer of said state. All bonds remaining unsold shall, at the date of the maturity thereof be by the treasurer of the state canceled and destroyed. All bonds issued pursuant to the provisions of this act shall be signed by the governor of this state, countersigned by the state controller and endorsed by the state treasurer, and the said bonds shall be so signed, countersigned and endorsed by the officers who are in office on the third day of July, 1911, and each of said bonds shall have the great seal of the State of California impressed thereon. The said bonds signed, countersigned, endorsed and sealed as herein provided, when sold, shall be and constitute a valid and binding obligation upon the State of California, though the sale thereof be made at a date or dates after the person so signing, countersigning and endorsing, or either of them, shall have ceased to be the incumbents of said office or offices.

Sec. 2. Appended to each of said bonds there shall be interest coupons so attached that the same may be detached without injury to or mutilation of said bond. The said coupons shall be consecutively numbered and shall bear the cognate signature of the state treasurer who shall be in office on the third day of July, 1911. No interest shall be paid on any of said bonds for such time as may intervene between the date of said bond and the day of sale thereof, unless such accrued interest shall have been, by the purchaser of said bond, paid to the state at the time of such sale.

Sec. 3. There shall be provided in the general appropriation bill sufficient money to defray all expenses that shall be incurred by the state treasurer in the preparation of said bonds and in the advertising of the sale thereof, as in this act provided.

Sec. 4. When the bonds authorized by this act to be issued shall have been signed, countersigned, endorsed and sealed as in section one provided, the state treasurer shall sell the same in such parcels and numbers as the governor of the state shall direct, to the highest bidder for cash. The governor of the state shall issue to the state treasurer such direction immediately after being requested so to do, through and by a resolution duly adopted and passed by a majority vote of the advisory board of the department of engineering. Said resolution shall specify the amount of money which, in the judgment of said advisory board, shall be required at such time as the governor of the state shall direct the state treasurer to sell such number of said bonds as may be required to raise said amount of money and that said bonds shall be sold in consecutive numerical order commencing with the first four hundred thereof. The state treasurer shall not accept any bid which is less than the par value of the bond plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date. The state treasurer may at the time and place fixed by him for said sale continue such sale as to the whole or any part of the bonds offered to such time and place as he may at the time of such continuance designate. Before offering any of said bonds for sale, the said treasurer shall detach therefrom all coupons which have matured or will mature before the date fixed for such sale. The state treasurer shall give notice of the time and place of sale by publication in two newspapers published in the city and county of San Francisco and in one newspaper published in the city of Oakland, and in one newspaper published in the city of Los Angeles and in one newspaper published in the city of Sacramento once a week for four weeks next succeeding the date fixed for such sale. In addition the notice last above provided for by the state treasurer may give such further notice as he may deem advisable, but the expenses and cost of such additional notice shall not exceed the sum of five hundred dollars for each sale so advertised.

There is hereby created in and for the state treasury a fund to be known and designated as the "State Highway Fund," and immediately after such sale of bonds the treasurer of the state shall pay into the state treasury and cause to be placed in said state highway fund the total amount received for said bonds, except such amount as may have been paid as accrued interest thereon. The amount that shall have been paid at such sale as accrued interest on the bonds sold shall be by the treasurer of the state, immediately after such sale, paid into the treasury of the state and placed in the interest and sinking fund.

The moneys placed in the state highway fund pursuant to the provisions of this act shall be available exclusively for the acquisition

shall be due and payable at the office or the state treasurer second day of January, and on the second day of July, after the sale of the same; provided that the first payment shall be made on the second day of January, A. D. 1928. If said bonds as may have been theretofore sold. At the of seventy-four years from the date of said bonds, all shall cease to bear interest, and likewise all bonds red shall cease to bear interest, as in this act provided, and t treasurer shall call in, forthwith pay and cancel the s moneys in the "India Basin Sinking Fund," provided fo and, he shall on the first Monday of January, A. D. 1985, and destroy all bonds not theretofore sold. All bonds i signed by the governor, and countersigned by the co shall be endorsed by the state treasurer, and each shal of the state stamped thereon. Each bond shall contain it is subject to redemption by lot after the year nineteen thirty-nine.

Sec. 2. Interest coupons shall be attached to each o so that such coupons may be removed without injury to of the bond. Said coupons shall be consecutively nu shall be signed by the state treasurer. But no inter said bonds shall be paid for any time which may interv the date of any of said bonds, and the issue and sa purchaser.

Sec. 3. The sum of one thousand dollars is hereby app pay the expense that may be incurred by the state treasur said bonds prepared. Said amount shall be paid out Francisco Harbor Improvement Fund," on controller's w drawn for that purpose.

Sec. 4. When the bonds authorized to be issued u shall be duly executed, they shall be sold by the state public auction to the highest bidder for cash, in such numbers as said state treasurer shall determine; but s must be below the par value of said bonds, and the e shall be below the par value of said bonds so offered for may by public announcement at the place and time fixe for good and sufficient cause, continue such sale as to the bonds offered or any part thereof offered, to such th as he may select, not exceeding, however, sixty days. I the time and place of sale of all bonds, and of the pos sale thereof, must be given by said treasurer by pub newspapers published in the city and county of San F also by publication in one newspaper published in the c and by publication in one newspaper published in the Angeles, and by publication in one newspaper publis of Sacramento, unless such newspaper is taken pri The terms of such publication shall be paid out of the "S Harbor Improvement Fund" on controller's warrants, d that purpose. The proceeds of the sale of such bonds s with paid over by said treasurer into the treasury, and him kept in a separate fund to be known and designat Basin Fund," and must be used exclusively for the acqu area described in the act referred to in section 1 hereof. warrants upon said fund shall be drawn upon and sha of said fund in the same manner as drafts and warrant upon and paid out of the "San Francisco Harbor Improve

Sec. 5. For the payment of the principal and interest a sinking fund to be known and designated as the "Indi ng Fund" shall be, and the same is hereby created as fo The state treasurer shall, on the first day of each and after the second day of December, A. D. 1928, take f Francisco Harbor Improvement Fund, such sum as mul times the balance then sold and outstanding have to run, p principal of the bonds sold and outstanding at the time s shall so take said sum from said "San Francisco Harbor Fund," less the amount theretofore taken therefrom for and he shall place the sum in the "India Basin Sinking F by this act. Said state treasurer shall, on controller's w drawn for that purpose, employ the moneys in said si purchase of bonds of the United States, or of the f rnia, or of the several counties or municipalities of California, which said bonds shall be kept in a prop appropriately labeled; but he must always keep on han amount of money in said sinking fund with which to pa on such of the state bonds herein provided to be issued theretofore been sold and to provide means for the interest on the bonds that may be sold and outstand urer shall monies take from the "San Francisco Har amount equal to the monthly interest then due on all b delivered and outstanding. The board of state harbor c is hereby authorized and directed by the collection of cents, wharfage and crantage, to collect a sum of money the purposes of this act, over and above the amount lim two thousand five hundred and twenty-six of the Pol State of California. Between the first and tenth day in the year nineteen hundred and forty, and between tenth day of November of each year thereafter, until al said bonds, the said treasurer shall, on the first day of proceed to draw by lot such an amount of bonds as sh to exhaust the sum of the amount in said sin the end, and give notice by public advertisement to be i week for two weeks in two newspapers published in county of San Francisco, and also in one newspaper pu

Panama Pacific International Exposition Company (a corporation organized under the laws of the State of California March 22, 1910) the proceeds of said bonds to be used and disbursed by said exposition company for the purposes of an exposition to be held in the city and county of San Francisco to celebrate the completion of the Panama canal; said bonds, so issued, to be of such form and to be redeemable, registered and converted in such manner and amounts, and at such times not later than forty years from the date of their issue, as such legislative authority shall determine; the interest on said bonds to not exceed five per centum per annum, and said bonds to be exempt from all taxes for state and municipal purposes, and to be sold for not less than par at such times and places, and in such manner, as shall be determined by said legislative authority; the proceeds of said bonds, when sold, to be payable immediately by the treasurer of said city and county to the treasurer of said Panama Pacific International Exposition Company, upon the demand of said treasurer of said exposition company, without the necessity of the approval of such demand by other authority, the same to be used and disbursed by said Panama Pacific International Exposition Company for the purposes of such exposition, under the direction and control of such exposition company;

(b) Providing that any bonded indebtedness incurred for the purposes aforesaid shall be exclusive of the bonded indebtedness of the said city and county limited by section 9 of article XII of said charter.

(c) Granting to said Panama Pacific International Exposition Company the exclusive possession and use, together with the management and control, of that portion of Golden Gate Park in the city and county of San Francisco westerly from Twentieth avenue, as extended for such exposition purposes, such possession and use, also management and control, to terminate not later than one year after the closing of such exposition;

(d) Granting to said Panama Pacific International Exposition Company the exclusive possession and use, together with the management and control, for such exposition purposes, of any lands held by the board of education of the city and county of San Francisco, and by the city and county of San Francisco, not in actual use, such possession and use, also management and control, to terminate not later than one year after the closing of such exposition.

(e) Authorizing said Panama Pacific International Exposition Company to temporarily close streets in the city and county of San Francisco westerly from Twentieth avenue, for such exposition purposes, and to have the exclusive possession and use, together with the management and control, of said streets for such exposition purposes, such possession and use, also management and control, of said streets, to terminate not later than one year after the closing of such exposition.

Proposals to amend the charter of the city and county of San Francisco in the foregoing particulars may be submitted by the legislative authority of said city and county to the electors of said city and county, at any general or special election (and a special election may be called therefor) held in said city and county, after the publication of such proposals in a newspaper of general circulation in said city and county, for such time as shall be determined by said legislative authority. Upon the ratification of any such proposed amendment by a majority of the electors of said city and county voting at such election on such proposed amendment, said proposed amendment receiving such majority vote shall become operative immediately as an amendment to said charter, without the necessity of approval thereof by the legislature.

Any act of the legislative authority of the city and county of San Francisco, in submitting to the electors of said city and county, at any general or special election, proposals to amend the charter of said city and county in the foregoing particulars, including any notice by publication or otherwise of such proposals, and of such election, and the holding of such election, in accordance with the provisions hereof, before the adoption of this amendment, are hereby validated in all respects as if performed subsequent to the adoption of this amendment. The disbursement of all funds obtained from said bonds shall be accounted for by said Panama Pacific International Exposition Company by an itemized statement thereof to be filed with the auditor of the city and county of San Francisco.

The Reasons Why Assembly Constitutional Amendment No. 23 Should Be Adopted.

The object of this amendment is purely local to the city and county of San Francisco.

The people of San Francisco desire to immediately amend the city charter to enable them to adopt a five million dollar bond issue for the purpose of holding an exposition in nineteen hundred and fifteen, for the celebration, on behalf of the State of California, of the completion of the Panama canal.

The citizens of San Francisco have subscribed, as individuals, the sum of six and one half million dollars, and it is expected that by the date of election, that sum will have been, by popular subscription, enlarged to seven and one half millions.

The citizens desire to adopt a bond issue, which now meets some legal interference, through a provision of the state constitution and a provision in the charter.

This amendment to the constitution is simply an "enabling act" to permit the people of San Francisco, for this time only, to amend their charter in this particular, and granting permission for the occupation, for exposition purposes, of the westerly portion of Golden Gate Park, if that site should be selected, which part is now little used by pedestrians and pleasure-seekers, without further consent of the legislature, so that the bond issue may be at once adopted, and without any objection in law as to its validity.

The voting of this amendment will place San Francisco, from its own resources alone, in position to combat the claims of New Orleans and the State of Louisiana, with twelve million five hundred thousand dollars, and will, itself, go far to insure to California and the Pacific coast the holding of this exposition, which means more to the whole state than any event in our generation.

The completion of the Panama canal brings the markets of the world to the shores of California.

This is the opportunity of our people to grasp manifest destiny. If the people of San Francisco desire to bond themselves, I, as a resident of southern California, can see no reason why the rest of the state should offer any objection, but the consent of a majority of the people is necessary to enable them under the law to do this, and the vote to permit them ought to be unanimous.

PHILIP A. STANTON,

Speaker of the Assembly,

Committee appointed under the law to write the argument in favor of the adoption of Assembly Constitu-

tion of the Political Code of the State of California. Between the first and tenth day of May, in the year nineteen hundred and fifty-one and between the first and tenth day of May of each year thereafter until the maturity of said bonds, the said treasurer shall, in the presence of the governor, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund at that time, and shall thereupon and before the tenth day of June following, give notice by public advertisement to be inserted twice a week for two weeks in two newspapers published in the city and county of San Francisco, and also in one newspaper published in the city of Los Angeles, and also in one newspaper published in the city of Sacramento, stating the number of bonds so drawn and that the principal of said bonds will be paid on presentation to the treasurer on or before the second day of July, following, and that from and after such last named date, all interest upon bonds thus drawn shall cease, and it shall be the duty of the treasurer as soon as said bonds so drawn by lot are surrendered to him and paid to cancel the same, and the interest coupons thereon, and each year beginning with the year nineteen hundred and fifty-one, the said treasurer shall, in the manner aforesaid, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund, and proceed in the manner hereinabove stated. After the payment of all said bonds, the surplus or balance remaining in said sinking fund, if any there be, shall forthwith be paid into the San Francisco harbor improvement fund. At the time of the respective drawings by lot, as aforesaid, and also at the maturity of said state bonds, said treasurer shall sell the United States or other bonds then in said sinking fund, at governing market rates, after advertising the sale thereof in the manner hereinbefore provided for the sale of bonds hereby authorized to be issued, and shall use the proceeds for the payment of such bonds as may be drawn by lot, and at the maturity of said bonds outstanding shall pay and redeem said matured outstanding bonds out of said moneys in said fund in extinguishment of said bonds on controller's warrants duly drawn for that purpose.

Sec. 6. The state controller and the state treasurer shall keep full and particular account and record of all their proceedings under this act, and they shall transmit to the governor an abstract of all such proceedings thereunder, with an annual report, to be by the governor laid before the legislature biennially; and all books and papers pertaining to the matter provided for in this act shall at all times be open to the inspection of any party interested, or the governor, or the attorney general, or a committee of either branch of the legislature, or a joint committee of both, or any citizen of the state.

Sec. 7. It shall be the duty of the state treasurer to pay the interest of said bonds, when the same falls due, out of the sinking fund provided for in this act, on controller's warrants duly drawn for that purpose.

Sec. 8. This act, if adopted by the people, shall take effect on the thirty-first day of December, nineteen hundred and ten, as to all its provisions except those relating to and necessary for its submission to the people, and for returning, canvassing, and proclaiming the votes, and as to said excepted provisions this act shall take effect immediately.

Sec. 9. This act shall be submitted to the people of the State of California for their ratification at the next general election, to be held in the month of November, nineteen hundred and ten, and all ballots at said election shall have printed thereon and at the end thereof, the words "For the San Francisco Harbor Improvement Act of 1909," and in the same square under said words the following, in briefer type: "This act provides for the improvement of San Francisco harbor and for the payment of all costs thereof out of the San Francisco Harbor Improvement Fund." In the square immediately below the square containing said words, there shall be printed on said ballot the words: "Against the San Francisco Harbor Improvement Act of 1909," and immediately below said words "Against the San Francisco Harbor Improvement Act of 1909," in briefer type shall be printed "This act provides for the improvement of San Francisco harbor and for the payment of all costs thereof out of the San Francisco Harbor Improvement Fund." Opposite the words "For the San Francisco Harbor Improvement Act of 1909," and "Against the San Francisco Harbor Improvement Act of 1909," there shall be left spaces in which the voters may make or stamp a cross to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the San Francisco Harbor Improvement Act of 1909," and all those voting against the said act shall do so by placing a cross opposite the words "Against the San Francisco Harbor Improvement Act of 1909." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

Sec. 10. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appear that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

Sec. 11. It shall be the duty of the secretary of state to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this state, for three months next preceding the general election to be held in the month of November, nineteen hundred and ten, the costs of publication shall be paid out of the San Francisco harbor improvement fund, on controller's warrants duly drawn for that purpose.

Sec. 12. This act may be known and cited as the "San Francisco Harbor Improvement Act of 1909."

Sec. 13. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

ASSEMBLY BILL NO. 990.

CHAPTER 383.

An act authorizing the construction, acquisition, maintenance and control of a system of state highways in the State of California; specifying the work, fixing the payments to be made by counties for moneys expended therein; providing for the issuance and sale of state bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds; and providing for the submission of this act to a vote of the people.

[Approved March 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A system of state highways in and for the State of California shall be constructed and acquired as and in the manner provided by law by the department of engineering of said state at a cost not to exceed eighteen million dollars. For the purpose of providing for the payment of the cost of the construction or acquisition of such system, the department of engineering shall create a sinking fund for the payment of said bonds; and providing for the submission of this act to a vote of the people.

Sec. 8. The highway constructed or acquired under the provisions of this act shall be permanent in character and be with oil or macadam or a combination of both, or of such material as in the judgment of the said department of engineering shall be most suitable and best adapted to the particular traversed. The state department of engineering, in the name of the people of the State of California, may purchase, donation or dedication, or lease any right of way, rock or land necessary or proper for the construction, use or maintenance of said state highway and shall proceed, if necessary, to under the provisions of the Code of Civil Procedure relating to proceedings any necessary or proper right of way, rock or land. The department of engineering shall have full power authority to purchase all supplies, material, machinery, and all other things necessary or proper in the construction or maintenance of said state highway, with the exception of the highways which have been permanently improved under permanent road division bond issues within three years prior to the adoption of this act; all public highways within this act within the right of way of said state highway as determined by the department of engineering shall be and shall become a part of the right of way of said state highway out compensation being paid therefor; provided nothing herein shall require the state to maintain any highway at said right of way, prior to the completion or acquisition of permanent improvements contemplated by this act. When money received from the sale of bonds, under the provisions of this act, shall be expended in any county in this state, such county shall pay into the state treasury such sum each year as shall interest, at the rate of four per cent per annum, upon the sum of money expended within such county in the construction of said state highway, less such portion of said amount expended in the construction of said state highway, as shall be the total number of bonds sold and outstanding. All highways constructed or acquired under the provisions of this act shall be permanently maintained and controlled by the State of California.

Sec. 9. This act, if adopted by the people, shall take effect on the thirty-first day of December, 1910, as to all its provisions relating to, and necessary for, its submission to the people, and for returning, canvassing and proclaiming the vote such accepted provisions this act shall take effect immediately.

Sec. 10. This act shall be submitted to the people of the State of California for their ratification at the next general election, to be held in the month of November, 1910, A. D., and all ballots at said election shall have printed thereon, and at the end thereof, the words "For the state highway act"; and in a space under the same, the words "Against the state highway act"; and in a space opposite the words "For the state highway act," and all those voting for said act shall do so by placing a cross opposite the words "For the state highway act," and all those voting against the said act shall do so by placing a cross opposite the words "Against the state highway act." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

Sec. 11. The votes cast for or against this act shall be returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers, and if it appear that said act shall have received a majority of all the votes cast for and against it at such election, as aforesaid, then the same shall have effect as hereinbefore provided and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof; but if a majority of the votes cast, as aforesaid, are against this act then the same shall be and become void.

Sec. 12. It shall be the duty of the secretary of state to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this state, for three months next preceding the general election to be held in the month of November, A. D. nineteen hundred and ten, the costs of publication shall be paid out of the general fund, on controller's warrants duly drawn for the purpose.

Sec. 13. This act shall be known and cited as the "state highway act."

Sec. 14. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SENATE BILL NO. 227.

CHAPTER 407.

An act to provide for the issuance and sale of state bonds to fund for the acquisition by the board of state harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; and providing for the submission of this act to a vote of the people.

[Approved March 24, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness authorized to be incurred by the board of harbor commissioners for the acquisition of the necessary tidal basin, extending the area of India basin, on the water front of the city and county of San Francisco, as provided in an act to authorize and direct the board of state harbor commissioners to institute condemnation proceedings against certain north of India basin, and extending to Islais creek and county of San Francisco, and extending the jurisdiction board over the same, and providing for the payment of from the proceeds of bonds issued and sold under the provisions of an act entitled "An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; and providing for the submission of this act to a vote of the people," the state treasurer, immediately after the issuance of the proclamation of the governor in section 10 hereof, prepare one thousand such bonds of the State of California, in the denomination of one hundred dollars each. The whole issue of said bonds shall not exceed one million dollars, and said bonds shall bear interest of four per centum per annum, from the time of the sale of both principal and interest shall be payable in gold coin of standard value, and they shall be payable at the office of the treasurer, at the expiration of seventy-four years from the date of their issue, to redemption by lot as in this act here provided. Said bonds shall bear date the second day of January, 1910.

principal and interest of the mortgages herein created shall be discharged, and the governor shall make proclamation thereon; but if a majority of the votes cast as aforesaid are against it, then the same shall be and become void.

11. It shall be the duty of the secretary of state to have this published in at least one newspaper in each county, or city and county, if one be published therein, throughout this state, for three months next preceding the general election to be holden in the month of November, nineteen hundred and ten, the costs of publication shall be paid out of the San Francisco harbor improvement fund, on contracts and warrants duly drawn for that purpose.

12. This act may be known and cited as the "San Francisco Harbor Improvement Act of 1903."

13. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

ASSEMBLY BILL NO. 990.

CHAPTER 383.

Authorizing the construction, acquisition, maintenance and repair of a system of state highways in the State of California; fixing the work, fixing the payments to be made by counties; moneys expended therein; providing for the issuance and sale of bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds; and providing for the submission of this act to a vote of the people.

[Approved March 22, 1909.]

People of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A system of state highways in and for the State of California shall be constructed and acquired as and in the manner provided by law by the department of engineering of said state at not to exceed eighteen million dollars. For the purpose of paying for the payment of the cost of the construction or acquisition of said system of state highways the State of California is authorized to incur an indebtedness in the manner provided in this act in the sum of eighteen million dollars.

Immediately after the issuance of the proclamation of the governor provided in section 11 of this act, the treasurer of the State of California shall provide eighteen thousand suitable bonds of the State of California in the denomination of one thousand dollars each, to be sold from 1 to 18,000 inclusive, and to bear the date of the day of July, 1911. The total issue of said bonds shall not exceed the sum of eighteen million dollars and they shall bear interest at the rate of four per cent per annum from the date of sale thereof. The said bonds and the interest thereon shall be in gold coin of the United States of the present standard of value at the office of the treasurer of said state at the times and in the manner following, to wit: The first four hundred of said bonds shall be due and payable on the third day of July, 1917, and four hundred of said bonds in consecutive numerical order shall be due and payable on the third day of July in each and every year thereafter until and including the third day of July, 1961. The interest on all of said bonds shall be due and payable at the office of the treasurer of the state on the third day of January in each and every year after the sale of said bonds. The interest on all bonds issued and sold shall cease on the day of their maturity and the said bonds so issued and sold on the day of their maturity be paid as herein provided and shall be canceled and destroyed. All bonds remaining unsold at the date of the maturity thereof be by the treasurer of the State of California, and the said bonds shall be so signed, countersigned and sealed by the officers who are in office on the third day of July, and each of said bonds shall have the great seal of the State of California impressed thereon. The said bonds signed, countersigned and sealed as herein provided, when sold, shall be constitute a valid and binding obligation upon the State of California, though the sale thereof be made at a date or dates after the person so signing, countersigning and endorsing, or either of them, shall have ceased to be the incumbents of said office or offices.

2. Appended to each of said bonds there shall be interest coupons so attached that the same may be detached without injury or mutilation of said bond. The said coupons shall be consecutively numbered and shall bear the lithographed signature of the treasurer who shall be in office on the third day of July, 1911. Interest shall be paid on any of said bonds for such time as may intervene between the date of said bond and the day of sale thereof, by the purchaser of said bond, paid to the state at the time of such sale.

3. There shall be provided in the general appropriation bill money to defray all expenses that shall be incurred by the treasurer in the preparation of said bonds and in the advertising the sale thereof, as in this act provided.

4. When the bonds authorized by this act to be issued shall have been signed, countersigned, endorsed and sealed as in section 1 provided, the state treasurer shall sell the same in such parcels and numbers as the governor of the state shall direct, to the highest bidder for cash. The governor of the state shall issue to the state treasurer such direction immediately after being requested so to do, and by a resolution duly adopted and passed by a majority of the advisory board of the department of engineering. Said resolution shall specify the amount of money which, in the judgment of said board shall be required at such time and the number of the state shall direct the state treasurer to sell such of said bonds as may be required to raise said amount of money and that said bonds shall be sold in consecutive numerical order commencing with the first four hundred thereof. The state treasurer shall not accept any bid which is less than the par value of said bond plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date. The state treasurer may at the time and place fixed by him for said sale, or at such time and place as to the whole or any part of the bonds offered to time and place as he may at the time of such continuance designate. Before offering any of said bonds for sale, the said treasurer shall detach therefrom all coupons which have matured or will mature before the date fixed for such sale. The state treasurer shall give notice of the time and place of sale by publication in two newspapers published in the city and county of San Francisco and in one newspaper published in the city of Los Angeles, and in one newspaper published in the city of Sacramento once a week for four weeks next preceding the date fixed for such sale. In addition to the notice last above provided, the state treasurer may give such further notice as he may deem advisable, but the expenses and cost of such additional notice shall not exceed the sum of five hundred dollars for each sale.

5. There is hereby created in and for the state treasury a fund to be known and designated as the "State Highway Fund," and immediately after such sale of bonds the treasurer of the state shall pay the total amount received for said bonds, except such amount as may have been paid as accrued interest thereon. The amount so received shall be by the treasurer of the state, immediately after sale, paid into the treasury of the state and placed in the sinking fund.

of the people.

[Approved March 24, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness authorized to be incurred by the board of state harbor commissioners for the acquisition of the necessary area for a tidal basin, extending the area of India basin, on the water front of the city and county of San Francisco, as provided in an act entitled: "An act to authorize and direct the board of state harbor commissioners to institute condemnation proceedings against certain property north of India basin, and extending to Islais creek in the city and county of San Francisco, and extending the jurisdiction of said board over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an act entitled 'An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco,' to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people," the state treasurer shall, immediately after the issuance of the proclamation of the governor, provided for in section 10 hereof, prepare one thousand suitable bonds of the State of California, in the denomination of one thousand dollars each. The whole issue of said bonds shall not exceed the sum of one million dollars, and said bonds shall bear interest at the rate of four per centum per annum, from the time of the sale thereof, and both principal and interest shall be payable in gold coin of the present standard value, and they shall be payable at the office of the state treasurer, at the expiration of seventy-four years from their date, subject, however, to redemption by lot as in this act hereinafter provided. Said bonds shall bear date on the second day of January, A. D. 1911, and shall be made payable on the second day of January, A. D. 1985. The interest accruing on such of said bonds as are sold, shall be due and payable at the office of the state treasurer, on the second day of January, and on the second day of July, of each year after the sale of the same; provided that the first payment of interest shall be made on the second day of January, A. D. 1912, on so many of said bonds as may have been theretofore sold. At the expiration of seventy-four years from the date of said bonds, all bonds sold shall cease to bear interest, and likewise all bonds redeemed by lot shall cease to bear interest, as in this act provided, and the said state treasurer shall call in, forthwith pay and cancel the same, out of moneys in the "India Basin Sinking Fund," provided for in this act, and, he shall on the first Monday of January, A. D. 1985, also cancel and destroy all bonds not theretofore sold. All bonds issued shall be signed by the governor, and countersigned by the controller, and shall be endorsed by the state treasurer, and each shall have the great seal of the state stamped thereon. Each bond shall contain a clause that it is subject to redemption by lot after the year nineteen hundred and thirty-nine.

SEC. 2. Interest coupons shall be attached to each of said bonds, so that such coupons may be removed without injury to or mutilation of the bond. Said coupons shall be consecutively numbered, and shall be signed by the state treasurer. But no interest on any of said bonds shall be paid for any time which may intervene between the date of any of said bonds, and the issue and sale thereof to a purchaser.

SEC. 3. The sum of one thousand dollars is hereby appropriated to pay the expense that may be incurred by the state treasurer in having said bonds prepared. Said amount shall be paid out of the "San Francisco Harbor Improvement Fund," on controller's warrants, duly drawn for that purpose.

SEC. 4. When the bonds authorized to be issued under this act shall be duly executed, they shall be sold by the state treasurer at public auction to the highest bidder for cash, in such parcels and numbers as said state treasurer shall determine; but said treasurer must reject any and all bids for said bonds, or for any of them, which shall be below the par value of said bonds so offered for sale, and he may by public announcement at the place and time fixed for the sale, for good and sufficient cause, continue such sale as to the whole of the bonds offered or any part thereof offered, to such time and place as he may select, not exceeding, however, sixty days. Due notice of the time and place of sale of all bonds, and of the postponement of sale thereof, must be given by said treasurer by publication in two newspapers published in the city and county of San Francisco, and also by publication in one newspaper published in the city of Oakland, and by publication in one newspaper published in the city of Los Angeles, and by publication in one newspaper published in the city of Sacramento, once a week during four weeks prior to such sale. The costs of such publication shall be paid out of the "San Francisco Harbor Improvement Fund," on controller's warrants, duly drawn for that purpose. The proceeds of the sale of such bonds shall be forthwith paid over by said treasurer into the treasury, and must be by him kept in a separate fund to be known and designated as the "India Basin Sinking Fund," and must be used exclusively for the acquisition of the area described in the act referred to in section 1 hereof. Drafts and warrants upon said fund shall be drawn upon and shall be paid out of said fund in the same manner as drafts and warrants are drawn upon and paid out of the "San Francisco Harbor Improvement Fund."

SEC. 5. For the payment of the principal and interest of said bonds a sinking fund to be known and designated as the "India Basin Sinking Fund" shall be, and the same is hereby created as follows, to wit: The state treasurer shall on the first day of each and every month, after the second day of December, A. D. 1928, take from the "San Francisco Harbor Improvement Fund," such sum as, multiplied by the time the bonds then sold and outstanding have to run, will equal the principal of the bonds sold and outstanding at the time said treasurer shall so take said sum from said "San Francisco Harbor Improvement Fund," less the amount theretofore taken therefrom for said purpose; and he shall place the sum in the "India Basin Sinking Fund," created by this act. Said state treasurer shall, on controller's warrants, duly drawn for that purpose, employ the moneys in said sinking fund in the purchase of bonds of the United States, or of the State of California, or of the several counties or municipalities of the State of California, which said bonds shall be kept in a proper receptacle, appropriately labeled; but he must always keep on hand a sufficient amount of money in said sinking fund with which to pay the interest on such of the state bonds herein provided to be issued as may have theretofore been sold; and to provide means for the payment of interest on the bonds that may be sold and outstanding, said treasurer shall monthly take from the "San Francisco Harbor Improvement Fund," and pay into said "India Basin Sinking Fund," an amount equal to the monthly interest then due on all bonds then sold, delivered and outstanding. The board of state harbor commissioners is hereby authorized and directed by the collection of dockage, tolls, rents, wharfage and crackage, to collect a sum of money sufficient for the purposes of this act, over and above the amount limited by section two thousand five hundred and twenty-six of the Political Code of the State of California. Between the first and tenth day of November, in the year nineteen hundred and forty, and between the first and tenth day of November of each year thereafter, until the maturity of said bonds, the said treasurer shall, in the presence of the governor, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund at that time, and shall thereupon and before the tenth day of December following, give notice by public advertisement to be inserted twice a week for two weeks in two newspapers published in the city and county of San Francisco, and also in one newspaper published in the city of Oakland, and also in one newspaper published in the city of

on the second day of July, nineteen hundred and eleven, and each of said bonds shall have the great seal of the State of California impressed thereon, and said bonds signed, countersigned, endorsed and sold as herein provided, shall be and constitute a valid and binding obligation upon the State of California though the sale thereof be made at a date or dates after the person so signing, countersigning and endorsing, or either thereof, shall have ceased to be an incumbent of said office or offices.

SEC. 2. Appended to each of said bonds there shall be interest coupons so attached that the same may be detached without injury or mutilation of said bonds, and said coupons shall be consecutively numbered, and shall bear the lithographic signature of the state treasurer who shall be in office on the second day of July, nineteen hundred and eleven. No interest shall be paid on any of said bonds for such time as may intervene between the date of said bond and the day of sale thereof, unless said accrued interest shall have been, by the purchaser of said bond, paid to the state at the time of such sale.

SEC. 3. The sum of one thousand five hundred dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to pay the expense that may be incurred by the state treasurer in having said bonds prepared. The state controller is hereby authorized and directed to draw his warrant for the expense incurred in preparing the said bonds, and the state treasurer is hereby directed to pay the same.

SEC. 4. When the bonds authorized to be issued by this act shall have been signed, countersigned and endorsed, as in section 1 provided, the state treasurer shall sell the same for cash to the highest bidder in such parcels and numbers as the governor of the state shall direct, provided a resolution requesting such sale shall have been adopted by the board of state harbor commissioners for San Diego bay, and said board shall not pass such resolution until in their judgment the actual harbor receipts, and those reasonably anticipated, will justify such sale of bonds, and the consequent increased burden on harbor receipts. Said resolution shall specify the number of bonds necessary to produce the amount of money which, in the judgment of said board of harbor commissioners, shall be required at such time, and the governor of the state shall direct the state treasurer to sell such number of said bonds to raise said amount of money, and that said bonds shall be sold in consecutive, numerical order. The state treasurer shall not accept any bid which is less than the par value of the bond, plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date. The state treasurer may, at the time and place fixed by him for such sale, continue such sale as to the whole or any part of said bonds to such time and place as he may at the time of such continuance designate. Before offering any of said bonds for sale the state treasurer shall detach therefrom all coupons which have matured or will mature before the date fixed for said sale. The state treasurer shall give notice of the time and place of sale by publication in two newspapers published in the city and county of San Francisco, one newspaper published in the city of Los Angeles, one newspaper published in the city of San Diego, and one newspaper published in the city of Sacramento, once a week for four weeks next preceding the date fixed for such sale. In addition to the notice last above provided for, the state treasurer may give such further notice as he may deem advisable, but the expenses and cost of such additional notice shall not exceed the sum of five hundred dollars for each sale so advertised. The cost of such publication shall be paid out of the San Diego harbor improvement fund on controller's warrants duly drawn for that purpose, and the treasurer must pay the same. The proceeds of the sale of such bonds shall be forthwith paid over by said treasurer into the treasury, and must be by him kept in a separate fund to be known and designated as the "San Diego Seawall Fund," and must be used exclusively for the construction of a seawall, wharves, piers, state railroad, spurs, berths and appurtenances thereto on the water front of the bay of San Diego. Drafts and warrants upon the said fund shall be drawn upon and shall be paid out of said fund in the same manner as drafts and warrants are drawn upon and paid out of the San Diego harbor improvement fund.

SEC. 5. For the payment of the principal and interest of said bonds a sinking fund, to be known and designated as the "San Diego Seawall Sinking Fund" shall be, and the same is hereby created, to wit: The state treasurer, after the second day of January, nineteen hundred and twenty-nine, shall on the first day of each and every month thereafter, after the sale of said bonds, take from the San Diego harbor improvement fund such sum as, multiplied by the time in months, the bonds then sold and outstanding at the time said treasurer shall so take said sum from said San Diego harbor improvement fund, less the amount theretofore taken therefrom for said purpose; and he shall place the sum in the seawall sinking fund created by this act. Said state treasurer shall, on controller's warrants duly drawn for that purpose, employ the moneys in said sinking fund in the purchase of bonds of the United States, or of the State of California, which said bonds shall be kept in a proper receptacle, appropriately labeled; but he must keep always on hand a sufficient amount of money in said sinking fund with which to pay the interest on such of the state bonds herein provided to be issued as may have theretofore been sold. And to provide means for the payment of interest on the bonds that may be sold and outstanding, said treasurer shall monthly take from the "San Diego Seawall Sinking Fund," an amount equal to the monthly interest then due on all bonds then sold, delivered and outstanding. The board of state harbor commissioners of San Diego are hereby authorized and directed by the collection of dockage, tolls, rents, wharfage and crackage to collect a sum of money sufficient for the purposes of this act, over and above any limitations existing in the existing section of the Political Code of the State of California. Between the first and tenth day of November, in the year nineteen hundred and fifty, and between the first and tenth day of November of each year thereafter, until the maturity of said bonds, the said treasurer shall, in the presence of the governor, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund at that time, and shall thereupon and before the tenth day of December following, give notice by public advertisement to be inserted twice a week for two weeks in two newspapers published in the county of San Francisco, and also in one newspaper published in the city of San Diego and also in one newspaper published in the city of Los Angeles, stating the number of bonds so drawn and that the principal of said bonds will be paid on presentation to the treasurer on or before the second day of January, following, and that from and after such last named date, all interest upon bonds thus drawn shall cease, and it shall be the duty of the treasurer as soon as said bonds so drawn by lot are surrendered to him and paid to cancel the same, and the interest coupons thereon, and each year beginning with the year nineteen hundred and fifty, the said treasurer shall, in the manner aforesaid, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund, and proceed in the manner hereinabove stated. After the payment of all said bonds, the surplus or balance remaining in said sinking fund, if any there be, shall forthwith be paid into the San Diego harbor improvement fund. At the time of the respective drawings by lot, as aforesaid, and also at the maturity of said state bonds, said treasurer shall sell the United States or other bonds then in said sinking fund, at governing market rates, after advertising the sale thereof in the manner hereinbefore provided for the sale of bonds hereby authorized to be issued, and shall use the proceeds for the payment of such bonds as may be drawn by lot, and at the maturity of said bonds outstanding shall pay and redeem said matured outstanding bonds out of said moneys in said fund in exact conformity with the controller's warrants duly drawn for

Political Code of the State of California. Between the first tenth day of May, in the year nineteen hundred and fifty-one between the first and tenth day of May of each year thereafter the maturity of said bonds, the said treasurer shall, in the name of the governor, proceed to draw by lot such an amount of said sinking fund at that time, and shall thereupon and before the day of June following, give notice by public advertisement to be inserted twice a week for two weeks in two newspapers published in the city and county of San Francisco, and also in one newspaper published in the city of Oakland, and also in one newspaper published in the city of Los Angeles, and also in one newspaper published in the city of Sacramento, stating the number of bonds so drawn, and the principal of said bonds will be paid on presentation to the treasurer on or before the second day of July, following, and that after such last named date, all interest upon bonds thus drawn shall cease, and it shall be the duty of the treasurer as soon as bonds so drawn by lot are surrendered to him and paid to the same, and the interest coupons thereon, and each year ending with the year nineteen hundred and fifty-one, the said treasurer shall, in the manner aforesaid, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the sinking fund, and proceed in the manner here stated. After the payment of all said bonds, the surplus or amount remaining in said sinking fund, if any there be, shall forthwith be paid into the San Francisco harbor improvement fund. At the time of the respective drawings by lot, as aforesaid, and also at the maturity of said state bonds, said treasurer shall sell the United States or other bonds then in said sinking fund, at governing market after advertising the sale thereof in the manner hereinbefore provided for the sale of bonds hereby authorized to be issued, and use the proceeds for the payment of such bonds as may be due by lot, and at the maturity of said bonds outstanding shall redeem said matured outstanding bonds out of said moneys drawn in extinguishment of said bonds on controller's warrants drawn for that purpose.

6. The state controller and the state treasurer shall keep full and correct account and record of all their proceedings under this act, and they shall transmit to the governor an abstract of all such proceedings thereunder, with an annual report, to be by the governor before the legislature biennially, and all books and papers pertaining to the matter provided for in this act shall at all times be open to the inspection of any party interested, or the governor, or the secretary general, or a committee of either branch of the legislature, or joint committee of both, or any citizen of the state.

7. It shall be the duty of the state treasurer to pay the principal of said bonds, when the same falls due, out of the sinking fund provided for in this act, on controller's warrants duly drawn for that purpose.

8. This act, if adopted by the people, shall take effect on the first day of December, nineteen hundred and ten, as to all its provisions except those relating to and necessary for its submission to the people, and for returning, canvassing, and proclaiming the same, and as to said excepted provisions this act shall take effect immediately.

9. This act shall be submitted to the people of the State of California for their ratification at the next general election, to be held in the month of November, nineteen hundred and ten, and all said election shall have printed thereon and at the end of the words, "For the San Francisco Harbor Improvement Act of 1909," and in the same square under said words the following, in type: "This act provides for the improvement of San Francisco harbor and for the payment of all costs thereof out of San Francisco Harbor Improvement Fund." In the square immediately above the square containing said words, there shall be printed on all the words: "Against the San Francisco Harbor Improvement Act of 1909," and immediately below said words "Against the San Francisco Harbor Improvement Act of 1909," in briefer type be printed "This act provides for the improvement of San Francisco harbor and for the payment of all costs thereof out of the San Francisco Harbor Improvement Fund." Opposite the words "For the San Francisco Harbor Improvement Act of 1909," and "Against the San Francisco Harbor Improvement Act of 1909," there shall be left blank space in which the voters may make or stamp a cross to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the San Francisco Harbor Improvement Act of 1909," and all those voting against the said act shall do so by placing a cross opposite the words "Against the San Francisco Harbor Improvement Act of 1909." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

10. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appears that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against the act, then the same shall be and become void.

11. It shall be the duty of the secretary of state to have this act published in at least one newspaper in each county, or city, and county, if one be published therein, throughout this state, for three months next preceding the general election to be held in the month of November, nineteen hundred and ten; the costs of publication shall be paid out of the San Francisco harbor improvement fund, on controller's warrants duly drawn for that purpose.

12. This act may be known and cited as the "San Francisco Harbor Improvement Act of 1909."

13. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

ASSEMBLY BILL NO. 990.

CHAPTER 383.

authorizing the construction, acquisition, maintenance and control of a system of state highways in the State of California; fixing the work, fixing the payments to be made by counties moneys expended therein; providing for the issuance and sale of state bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds; and providing for the submission of this act to a vote of the people.

[Approved March 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A system of state highways in and for the State of California shall be constructed and acquired as and in the manner provided by law by the department of engineering of said state at not to exceed eighteen million dollars. For the purpose of providing for the payment of the cost of the construction or acquisition of said system of said highways, the State of California is authorized to incur an indebtedness in the manner provided in this act in the sum of eighteen million dollars.

SECTION 2. The highway constructed or acquired under the provisions of this act shall be permanent in character and be finished with oil or macadam or a combination of both, or of such other material as in the judgment of the said department of engineering shall be most suitable and best adapted to the particular locality traversed. The state department of engineering, in the name of the people of the State of California, may purchase, receive by donation or dedication, or lease any right of way, rock quarry or land necessary or proper for the construction, use or maintenance of said state highway and shall proceed, if necessary, to condemn under the provisions of the Code of Civil Procedure relating to such proceedings any necessary or proper right of way, rock quarry or land. The department of engineering shall have full power and authority to purchase all supplies, material, machinery and to do all other things necessary or proper in the construction and maintenance of said state highway, with the exception of those public highways which have been permanently improved under county or permanent road division bond issues within three years prior to the adoption of this act; all public highways within this state lying within the right of way of said state highway as determined and adopted by the department of engineering shall be and the same shall become a part of the right of way of said state highway, without compensation being paid therefor; provided nothing herein contained shall require the state to maintain any highway along or on said right of way, prior to the completion or acquisition of the permanent improvements contemplated by this act. Whenever any money received from the sale of bonds under the provisions of this act, shall be expended in any county in this state, such county must pay into the state treasury such sum each year as shall equal the sum of money expended within such county in the construction of said state highway, less such portion of said amount expended as the bonds matured under the provisions of this act, shall bear to the total number of bonds sold and outstanding. All highways constructed or acquired under the provisions of this act shall be permanently maintained and controlled by the State of California.

SECTION 3. This act, if adopted by the people, shall take effect on the thirty-first day of December, 1910, as to all its provisions except those relating to, and necessary for, its submission to the people and for returning, canvassing and proclaiming the votes, and to such accepted provisions this act shall take effect immediately.

SECTION 4. This act shall be submitted to the people of the State of California for their ratification at the next general election to be held in the month of November, 1910, A. D., and all ballots at said election shall have printed thereon, and at the end thereof, the words "For the state highway act"; and in a separate line, under the same, the words "Against the state highway act." Opposite said lines there shall be left spaces in which the voters may make or stamp a cross to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the state highway act," and all those voting against the said act shall do so by placing a cross opposite the words "Against the state highway act." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

SECTION 5. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers, and if it appears that said act shall have received a majority of all the votes cast for and against it at said election, as aforesaid, then the same shall have effect as hereinbefore provided and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof. But if a majority of the votes cast as aforesaid, are against this act then the same shall be and become void.

SECTION 6. It shall be the duty of the secretary of state to have this act published in at least one newspaper in each county, or city, and county, if one be published therein, throughout this state, for three months next preceding the general election to be held in the month of November, A. D. nineteen hundred and ten; the cost of publication shall be paid out of the general fund, on controller's warrants duly drawn for the purpose.

SECTION 7. This act shall be known and cited as the "state highway act."

SECTION 8. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SENATE BILL NO. 227.

CHAPTER 407.

An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people.

[Approved March 24, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness authorized to be incurred by the board of state harbor commissioners for the acquisition of the necessary area for a tidal basin, extending the area of India basin, on the water front of the city and county of San Francisco, as provided in an act entitled: "An act to authorize and direct the board of state harbor commissioners to institute condemnation proceedings against certain property north of India basin, and extending to Islais creek in the city and county of San Francisco, and extending the jurisdiction of said board over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an act entitled 'An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people,'" the state treasurer shall, immediately after the issuance of the proclamation of the governor, provided for in section 10 hereof, prepare one thousand suitable bonds of the State of California, in the denomination of one thousand dollars each. The whole issue of said bonds shall not exceed the sum of one million dollars, and said bonds shall bear interest at the rate of four per centum per annum, from the time of the sale thereof, and standard value, and they shall be payable in gold coin of the present treasurer, at the expiration of seventy-four years from their date, subject, however, to redemption by lot as in this act hereinafter provided. Said bonds shall bear date on the second day of January, A. D. 1911, and shall be made payable on the second day of January, A. D. 1985. The interest accruing on such said bonds as are sold, shall be due and payable at the office of the state treasurer, on the second day of January, and on the second day of July of each year thereafter.

they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words: "For the India Basin Act," and those voting against said act shall do so by placing a cross opposite the words "Against the India Basin Act." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

SECTION 10. The vote cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appears that said act shall have received a majority of all the votes cast for and against it at said election, as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof; but if a majority of the votes cast, as aforesaid, are against this act, then the same shall be and become void.

SECTION 11. It shall be the duty of the secretary of state to have this act published in at least one newspaper in each county, or city, and county, if one be published therein, throughout this state, for three months next preceding the general election to be held in the month of November, A. D. nineteen hundred and ten; the costs of publication shall be paid out of the general fund, on controller's warrants duly drawn for that purpose.

SECTION 12. This act shall be known and cited as the "India Basin Act."

SECTION 13. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SENATE BILL NO. 464.

CHAPTER 623.

An act to provide for the issuance and sale of state bonds to create a fund for the construction by the board of state harbor commissioners for the bay of San Diego of harbor improvements consist of a seawall, wharves, piers, state railroad, spurs, betterments and appurtenances in the county of San Diego; to create a sinking fund for the payment of said bonds; to define the duties of state officers in relation thereto; to make an appropriation of one thousand five hundred dollars for the expense of printing said bonds, and to provide for the submission of this act to a vote of the people.

[Approved April 16, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness hereby authorized to be incurred by the board of state harbor commissioners for the bay of San Diego for harbor improvements consist of for the erection of a seawall, wharves, piers, state railroad, spurs, betterments and appurtenances in the county of San Diego, at a cost not to exceed one million five hundred thousand dollars, which said seawall, wharves, piers, state railroad, spurs, betterments and appurtenances the said board of state harbor commissioners for San Diego bay are hereby empowered to construct in the manner authorized by law, at a cost not to exceed one million five hundred thousand dollars, the state treasurer shall, immediately after the issuance of the proclamation of the governor provided for in section ten of this act, prepare fifteen hundred suitable bonds of the State of California in the denomination of one thousand dollars each, to be numbered from one to fifteen hundred, inclusive, and to bear date of the second day of July, nineteen hundred and eleven. The total issue of said bonds shall not exceed the sum of one million five hundred thousand dollars, and they shall bear interest at the rate of four per cent per annum from the date of issuance thereof. The said bonds and the interest thereon shall be payable, in gold coin of the United States of said state, on the second day of July, nineteen hundred and eleven, subject, however, to redemption by lot as in this act hereinafter provided. The interest accruing on all of said bonds that shall be sold shall be payable at the office of the treasurer of the state on the second day of January and the second day of July of each year after the sale of the same. At the expiration of seventy-four years from the date of said bonds, all bonds shall cease to bear interest, and likewise all bonds redeemed by lot as hereinbefore provided shall cease to bear interest according to the provisions of this act, and the state treasurer shall call in and forthwith pay and cancel the same out of the moneys in the San Diego seawall sinking fund provided for in this act, and he shall on the date of the maturity of said bonds cancel and destroy all bonds not theretofore sold. All bonds remaining unsold shall, at the date of the maturity thereof, be by the treasurer of the state canceled and destroyed. All bonds issued pursuant to the provisions of this act shall be signed by the governor of this state, countersigned by the state controller, and endorsed by the state treasurer, and the said bonds shall be so signed, countersigned, and endorsed by the officers who are in office on the second day of July, nineteen hundred and eleven, and each of said bonds shall have the great seal of the State of California impressed thereon, and said bonds signed, countersigned, endorsed and sold as herein provided, shall be and constitute a valid and binding obligation upon the State of California though the sale thereof be made at a date or dates after the person so signing, countersigning and endorsing, or either thereof, shall have ceased to be an incumbent of said office or offices.

SECTION 2. Attached to each of said bonds there shall be interest coupons so attached that the same may be detached without injury or mutilation of said bonds, and said coupons shall be consecutively numbered, and shall bear the lithographic signature of the state treasurer who shall be in office on the second day of July, nineteen hundred and eleven. No interest shall be paid on any of said bonds for such time as may intervene between the date of said bond and the day of sale thereof, unless said accrued interest shall have been, by the purchaser of said bond, paid to the state at the time of such sale.

SECTION 3. The sum of one thousand five hundred dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to pay the expense that may be incurred by the state treasurer in having said bonds prepared. The state controller is hereby authorized and directed to draw his warrant for the expense incurred in preparing the said bonds, and the state treasurer is hereby directed to pay the same.

SECTION 4. When the bonds authorized to be issued by this act shall have been signed, countersigned and endorsed, as in section 1 provided, the state treasurer shall sell the same for cash to the highest bidder in such parcels and numbers as the governor of the state shall direct, provided a resolution requesting such sale shall have been adopted by the board of state harbor commissioners for San Diego bay, and said board shall not pass such resolution until in their judgment the actual harbor receipts, and those reasonably anticipated, will justify such sale of bonds and the consequent increased burden on harbor receipts. Said resolution shall specify the number of bonds necessary to produce the amount of money which, in the judgment of said board of harbor commissioners, shall be required at such time, and the governor of the state shall direct the state treasurer to sell such number of said bonds to raise said

the holding of the fair at New Orleans.

Louisiana's assessable property amounts to five hundred million dollars, while that of California amounts to two and one half billion dollars.

At an extraordinary session of the legislature of this state, Senate Constitutional Amendment No. 52 was passed by practically a unanimous vote of both houses.

The purpose of the amendment is to raise a state fund by a small tax, not exceeding fifty (50) cents on the one thousand dollar property valuation, each year for a period of four years. This will raise the sum of five million dollars, which is to be the state's contribution toward the holding of the exposition in San Francisco.

The citizens of San Francisco have raised by popular subscription more than six and one half million dollars, and the city and county of San Francisco is now proposing to bond itself to the extent of five million (5,000,000) dollars more, so that if this constitutional amendment be adopted the State of California will be in a position to go before the congress at its session in December with a showing as follows:

Subscribed by the citizens of San Francisco--	\$6,500,000
The State of California--	5,000,000
The city and county of San Francisco by bond issue -----	5,000,000
	\$16,500,000

making a total of sixteen million five hundred thousand dollars, which it is expected will be increased to seventeen million five hundred thousand (17,500,000) dollars by a further subscription of the citizens of San Francisco.

Of the five million dollars to be raised by the state, when this amendment shall be adopted, San Francisco will pay one fourth thereof, which is in addition to the contribution of its citizens, and of the five million dollars which is to be raised by bonding the said city, and by adding the cities immediately about the bay, one third of this tax will be raised, leaving the amount to be contributed by the rest of the state very small in proportion to the enormous advantages that will accrue to the entire state.

This is not a San Francisco affair by any means; it is a matter in which the entire state is vitally interested. Heretofore California has expended large amounts of money by state appropriations to exhibit the products of our state at international expositions held elsewhere, in this country and in foreign countries. We exhibited at the Centennial exposition at Philadelphia, at Chicago, at St. Louis, at Buffalo, at Portland, and at Seattle, in this country, and in Paris and Hamburg, in Europe.

All thinking men agree that these investments were most productive in result and benefits. In these instances we paid to take California to meet the world. In this case we propose to spend the money raised among ourselves to bring the world to see California on the great historical occasion,—the completion of the Panama canal,—the union of the Atlantic and Pacific oceans,—the opening to California of a world of possibilities.

Tens of thousands of people from all over the world will come to California, they will visit every section of it, they will become interested in the products of the soil, the sea, the farms, orchards, vineyards, mines, and oil fields, and many will remain to enjoy our climate and abundance, they in turn becoming prosperous and adding to the riches of the state.

We have an empire within our state capable of providing for and sustaining over ten millions of people. We have a climate unsurpassed, and soil as rich as any in the world. What we need to make our state greater and more prosperous is a larger population of God-fearing and law-abiding citizens, who will help to build up our commonwealth and support our institutions.

The holding of this exposition will attract that class of people. When the canal shall be opened people can come direct from Europe to San Francisco without touching any Eastern port. Low rates of fare from Eastern cities to California will prevail, and the eyes of the world will indeed be upon us.

The adoption of this amendment will be the first step to enable us to go before the congress of the United States to show the united sentiment of the people of California. Every citizen should vote for the constitutional amendment.

The expenditure of the money to be raised, if this amendment be adopted, is under the control of the incoming governor of the State of California and four other commissioners to be appointed by the governor and to be selected by him from different sections of the State of California.

This exposition will be the greatest the world has ever seen.

EDWARD I. WOLFE, State Senator.

Committee appointed under the law to write the argument in favor of the adoption of Senate Constitutional Amendment No. 52.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 14.

CHAPTER 44.

Assembly Constitutional Amendment No. 14.—A resolution to propose to the people of the State of California an amendment to the constitution of the state by adding a new section thereto to be numbered section 25 of article one thereof, relating to the right of the people to fish.

[Adopted March 27, 1909.]

The legislature of the State of California, at its regular session, commencing on the fourth day of January, nineteen hundred and nine, two thirds of all the members elected to each house of said legislature voting in favor thereof, hereby propose that a new section be added to the constitution of the State of California to be numbered section 25 of article one thereof to read as follows:

Section 25. The people shall have the right to fish upon and from the public lands of the state and in the waters thereof, excepting upon lands set aside for fish hatcheries, and no land owned by the state shall ever be sold or transferred without reserving in the people the absolute right to fish thereupon; and no law shall ever be passed making it a crime for the people to enter upon the public lands within this state for the purpose of fishing in any water containing fish that have been planted therein by the state; provided, that the legislature may by statute, provide for the season when and the conditions under which the different species of fish may be taken.

Reasons Why Assembly Constitutional Amendment No. 14 Should Be Favorably Voted Upon by the People of California.

The inland streams and coast waters of the State of California

that by the date of election, that sum will have been, by popular subscription, enlarged to seven and one half millions.

The citizens desire to adopt a bond issue, which now meets some legal interference, through a provision of the state constitution and a provision in the charter.

This amendment to the constitution is simply an "enabling act" to permit the people of San Francisco, for this time only, to amend their charter in this particular, and granting permission for the occupation, for exposition purposes, of the westerly portion of Golden Gate Park, if that site should be selected, which part is now little used by pedestrians and pleasure-seekers, without further consent of the legislature, so that the bond issue may be at once adopted, and without any objection in law as to its validity.

The voting of this amendment will place San Francisco, from its own resources alone, in position to combat the claims of New Orleans and the State of Louisiana, with twelve million five hundred thousand dollars, and will, itself, go far to insure to California and the Pacific coast the holding of this exposition, which means more to the whole state than any event in our generation. The completion of the Panama canal brings the markets of the world to the shores of California.

This is the opportunity of our people to grasp manifest destiny. If the people of San Francisco desire to bond themselves, I, as a resident of southern California, can see no reason why the rest of the state should offer any objection, but the consent of a majority of the people is necessary to enable them under the law to do this, and the vote to permit them ought to be unanimous.

PHILIP A. STANTON,

Speaker of the Assembly.

Committee appointed under the law to write the argument in favor of the adoption of Assembly Constitutional Amendment No. 33.

SENATE BILL NO. 485.

CHAPTER 320.

An act to provide for the issuance and sale of state bonds to create a fund for the improvement of San Francisco harbor by the construction by the board of state harbor commissioners of wharves, piers, state railroad, spurs, betterments, and appurtenances and necessary dredging and filling in connection therewith in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; to define the duties of state officers in relation thereto; to make an appropriation of five thousand dollars for the expense of printing said bonds; and to provide for the submission of this act to a vote of the people.

[Approved March 20, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness hereby authorized to be incurred by the board of state harbor commissioners for the erection of wharves, piers, seawall, state railroad, spurs, betterments and appurtenances and necessary dredging and filling in connection therewith in the city and county of San Francisco, at a cost not to exceed nine million dollars (which said wharves, piers, seawall, state railroad, spurs, betterments and appurtenances and necessary dredging and filling in connection therewith the board of state harbor commissioners are hereby empowered to construct and do in the manner, authorized by law, and at a cost not to exceed said nine million dollars), the state treasurer shall, immediately after the issuance of the proclamation of the governor, provided for in section 10 hereof, prepare nine thousand suitable bonds of the State of California, in the denomination of one thousand dollars each. The whole issue of said bonds shall not exceed the sum of nine million dollars, and said bonds shall bear interest at the rate of four per centum per annum, from the date of issuance thereof, and both principal and interest shall be payable in gold coin of the present standard value, and they shall be payable at the office of the state treasurer, at the expiration of seventy-four years from their date, subject, however, to redemption by lot as in this act hereinafter provided. Said bonds shall bear date the second day of July, A. D. nineteen hundred and eleven, and shall be made payable on the second day of July, nineteen hundred and eighty-five. The interest accruing on such of said bonds as are sold, shall be due and payable at the office of the state treasurer on the second day of January, and on the second day of July, of each year after the sale of the same; provided, that the first payment of interest shall be made on the second day of July, nineteen hundred and twelve, on so many of said bonds as may have been theretofore sold. At the expiration of seventy-four years from the date of said bonds, all bonds sold shall cease to bear interest and likewise all bonds redeemed by lot shall cease to bear interest as in this act provided, and the said state treasurer shall call in, forthwith pay and cancel the same, out of the moneys in the second San Francisco seawall sinking fund provided for in this act, and he shall on the first Monday of July, nineteen hundred and eighty-five, also cancel and destroy all bonds not theretofore sold. All bonds issued shall be signed by the governor, and countersigned by the controller, and shall be endorsed by the state treasurer and the said bonds shall be so signed, countersigned and endorsed by the officers who are in office on the second day of July, 1911, and each of said bonds shall have the seal of the state stamped thereon. The said bonds signed, countersigned and endorsed and sealed as herein provided when sold shall be and constitute a valid and binding obligation upon the State of California, though the sale thereof be made at a date or dates after the person signing, countersigning and endorsing, or any or either of them, shall have ceased to be the incumbents of such office or offices. Each bond shall contain a clause that it is subject to redemption by lot after the year nineteen hundred and fifty.

Sec. 2. Interest coupons shall be attached to each of said bonds, so that such coupons may be removed without injury to or mutilation of the bond. Said coupons shall be consecutively numbered, and shall bear the lithographed signature of the state treasurer who shall be in office on the second day of July, 1911. But no interest on any of said bonds shall be paid for any time which may intervene between the date of any of said bonds and the issue and sale thereof to a purchaser, unless such accrued interest shall have been, by the purchaser of said bond, paid to the state at the time of such sale.

Sec. 3. The sum of five thousand dollars hereby appropriated to pay the expense that may be incurred by the state treasurer in having said bonds prepared. Said amount shall be paid out of the San Francisco harbor improvement fund on controller's warrants, duly drawn for that purpose.

Sec. 4. When the bonds authorized to be issued under this act shall be duly executed, they shall be by the state treasurer sold at public auction to the highest bidder for cash. In such parcels and numbers as said treasurer shall be directed by the governor of the state, under seal thereof, after a resolution requesting such sale shall have been adopted by the board of state harbor commissioners, and approved by either the governor of the state or mayor of the city and county of San Francisco, who shall only approve the same when in their judgment the actual harbor receipts, and those reasonably anticipated, will justify such sale of bonds and the consequent increased burden on harbor receipts; but said treasurer must reject any and all bids for said bonds, or for any of them, which shall be below the par value

shall have effect as hereinafter provided, and shall be in full payment until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are again this act then the same shall be and become void.

Sec. 11. It shall be the duty of the secretary of state to have it published in at least one newspaper in each county, or city or county, if one be published therein, throughout this state, for three months next preceding the general election to be held in the month of November, nineteen hundred and ten, the costs of publication shall be paid out of the San Francisco harbor improvement fund, on controller's warrants duly drawn for that purpose.

Sec. 12. This act may be known and cited as the "San Francisco Harbor Improvement Act of 1907."

Sec. 13. All acts and parts of acts in conflict with the provision of this act are hereby repealed.

ASSEMBLY BILL NO. 990.

CHAPTER 383.

An act authorizing the construction, acquisition, maintenance and control of a system of state highways in the State of California specifying the work, fixing the payments to be made by count for moneys expended therein; providing for the issuance and sale of state bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds; and providing for the submission of this act to a vote of the people.

[Approved March 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A system of state highways in and for the State of California shall be constructed and acquired as and in the manner provided by law by the department of engineering of said state at a cost not to exceed eighteen million dollars. For the purpose providing for the payment of the cost of the construction or acquisition of said system of said highways, the State of California hereby authorized to incur an indebtedness in the manner provided by this act in the sum of eighteen million dollars.

Immediately after the issuance of the proclamation of the governor, as provided in section 11 of this act, the treasurer of the state shall prepare eighteen thousand suitable bonds of the State of California in the denomination of one thousand dollars each, to be numbered from 1 to 18,000 inclusive, and to bear date the third day of July, 1911. The total issue of said bonds shall exceed the sum of eighteen million dollars and they shall bear interest at the rate of four per cent per annum from the date of issuance thereof. The said bonds and the interest thereon shall be payable in gold coin of the United States of the present standard value at the office of the treasurer of said state at the times and in the manner following, to wit: The first four hundred of said bonds shall be due and payable on the third day of July, 1917, and hundred of said bonds in consecutive numerical order shall be and payable on the third day of July in each and every year thereafter until and including the third day of July, 1961. The interest accruing on all of said bonds that shall be sold shall be payable at the office of the treasurer of the state on the third day of January and the third day of July of each and every year after the sale of the same. The interest on all bonds issued and sold shall cease the day of their maturity and the said bonds so issued and sold shall on the day of their maturity be paid as herein provided canceled by the treasurer of said state. All bonds remaining unsold, at the date of the maturity thereof be by the treasurer of state canceled and destroyed. All bonds issued pursuant to provisions of this act shall be signed by the governor of this state countersigned by the state controller and endorsed by the state treasurer, and the said bonds shall be so signed, countersigned and endorsed by the officers who are in office on the third day of July, 1911, and each of said bonds shall have the great seal of the State of California impressed thereon. The said bonds signed, countersigned, endorsed and sealed as herein provided, when sold, shall constitute a valid and binding obligation upon the State of California, though the sale thereof be made at a date or dates after the person so signing, countersigning and endorsing, or either of them, shall have ceased to be the incumbents of said office or offices. Sec. 2. Appended to each of said bonds there shall be attached coupons so attached that the same may be detached without injury to or mutilation of said bond. The said coupons shall be consecutively numbered and shall bear the lithographed signature of the state treasurer who shall be in office on the third day of July, 1911. No interest shall be paid on any of said bonds for such time as intervene between the date of said bond and the day of sale thereof unless such accrued interest shall have been, by the purchaser of said bond, paid to the state at the time of such sale.

Sec. 3. There shall be provided in the general appropriation sufficient money to defray all expenses that shall be incurred by the state treasurer in the preparation of said bonds and in the advertising of the sale thereof, as in this act provided.

Sec. 4. When the bonds authorized by this act to be issued, have been signed, countersigned, endorsed and sealed as in section one provided, the state treasurer shall sell the same in such parcels and numbers as the governor of the state shall direct, to the highest bidder for cash. The governor of the state shall issue to the state treasurer such direction immediately after being requested so to do through and by a resolution duly adopted and passed by a majority vote of the advisory board of the department of engineering. The resolution shall specify the amount of money which, in the judgment of said advisory board shall be required at such time and the governor of the state shall direct the state treasurer to sell number of said bonds as may be required to raise said amount of money and that said bonds shall be sold in consecutive numerical order commencing with the first four hundred thereof. The state treasurer shall not accept any bid which is less than the par value of the bond plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date. The state treasurer may at the time and place fixed by him for said sale, cause such sale as to the whole or any part of the bonds offered such time and place as he may at the time of such continuance designate. Before offering any of said bonds for sale, the state treasurer shall detach therefrom all coupons which have matured or mature before the date fixed for such sale. The state treasurer shall give notice of the time and place of sale by publication in two newspapers published in the city and county of San Francisco and in one newspaper published in the city of Oakland, and in one newspaper published in the city of Los Angeles and in one newspaper published in the city of Sacramento once a week for four weeks next preceding the date fixed for such sale. In addition to the notice last aforesaid provided for, the state treasurer may give such further notice as may deem advisable, but the expenses and cost of such additional notice shall not exceed the sum of five hundred dollars for each so advertised.

There is hereby created in and for the state treasury a fund to be known and designated as the "State Highway Fund," and immediately after such sale of bonds the treasurer of the state shall place the same in said fund and cause to be placed in said state highway fund the total amount received for said bonds except such amount as may have been paid as accrued interest thereon. The amount that shall have been paid at such sale as accrued interest on said bonds sold shall be by the treasurer of the state, immediately after such sale, paid into the treasury of the state and placed in the interest and sinking fund.

port of minor orphans, or half orphans, or abandoned children, or aged persons in indigent circumstances, such county, city and county, city, or town shall be entitled to receive the same pro rata appropriations as may be granted to such institutions under church or other control. An accurate statement of the receipts and expenditures of public moneys shall be attached to and published with the laws at every regular session of the legislature."

Provided, however, that for the purpose of raising five million dollars (\$5,000,000), to be used in establishing, maintaining, and supporting in the city and county of San Francisco, State of California, an exposition in commemoration of the completion of the Panama canal, to be known as the Panama Pacific International Exposition, the state board of equalization shall, for the fiscal year beginning July 1, 1911, and for each fiscal year thereafter, to and including the fiscal year beginning July 1, 1914, fix establish, and levy such an ad valorem rate of taxation, as when levied upon all the taxable property in the state, after making due allowance for delinquency, shall produce for each of such fiscal years a sum of one million two hundred and fifty thousand dollars (\$1,250,000). The said taxes shall be levied, assessed, and collected upon every kind and character of property in the State of California not exempt from taxation under the law, and subject to taxation on the 1st day of July, 1910, and in the same manner, and by the same method, as other state taxes were levied, assessed, and collected under the law, as the same existed on the 1st day of July, 1910. The state board of equalization shall each year, at the time it determines the amount of revenue required for other state purposes, determine, fix, and include the rate of tax necessary to raise the revenue herein provided for.

There is hereby created in the state treasury a fund to be known as the Panama Pacific International Exposition fund, and all moneys collected pursuant to this provision, after deducting the proportionate share of the expense for the collection of the same, shall be paid into the state treasury, and credited to such fund. All moneys so paid into such fund are hereby appropriated, without reference to fiscal years, for the use, establishment, maintenance, and support of said Panama Pacific International Exposition. No tax, license fee, or charge of any kind or character shall ever be levied or assessed or charged against any property of said Panama Pacific International Exposition, or against any property used as exhibit therein, while being used or exhibited in connection therewith.

There is hereby created a commission to be known as the Panama Pacific International Exposition Commission of the State of California, which shall consist of the governor of said state and four other members to be appointed by the governor, by and with the advice and consent of the senate of said state. The governor shall have the power to fill all vacancies occurring at any time in said commission. The members of said commission shall receive no compensation and shall hold office until such exposition shall have been closed and its affairs settled. Said four members of said commission shall be selected from different sections of the state, and the appointment thereof shall be made by the governor of the state during the month of February, 1911. The commission hereby created shall have the exclusive charge and control of all moneys paid into the Panama Pacific International Exposition fund; and provided further that the legislature shall pass all laws necessary to carry out the provisions of this act, including the times and the manner in which and the terms and conditions upon which money shall be drawn from the state treasury by said commission; where contracts and vouchers shall be filed; to whom and how often reports shall be made; what disposition shall be made of any sum left unexpended or received from the sale of any property or buildings purchased or constructed by said commission for the use of said exposition, or of any disposition of any building or improvement constructed by said commission out of said fund, and to provide for the transfer to the general fund of the State of California of any portion of said Panama Pacific International Exposition fund unused.

The commission herein created is authorized and directed to make such proper contracts with the Panama Pacific International Exposition Company, a corporation organized under the laws of the State of California on the 22d day of March, 1910, as to entitle the State of California to share proportionately with the contributors to the said Panama Pacific International Exposition in the returns from the holding of said exposition at the city and county of San Francisco.

The Reasons Why Senate Constitutional Amendment No. 52 Should Be Adopted.

The cities of San Francisco and New Orleans are rivals for the honor of being designated by the congress of the United States as the place to hold the Panama-Pacific International Exposition in 1915, to properly celebrate the opening of the Panama canal.

The State of Louisiana, at a special session of its legislature, submitted to its citizens the proposition to bond that state in the sum of six and one half million dollars, the money to be used for the holding of the fair at New Orleans.

Louisiana's assessable property amounts to five hundred million dollars, while that of California amounts to two and one half billion dollars.

At an extraordinary session of the legislature of this state, Senate Constitutional Amendment No. 52 was passed by practically a unanimous vote of both houses.

The purpose of the amendment is to raise a state fund by a small tax, not exceeding fifty (50) cents on the one thousand dollar property valuation, each year for a period of four years. This will raise the sum of five million dollars, which is to be the state's contribution toward the holding of the exposition in San Francisco.

The citizens of San Francisco have raised by popular subscription more than six and one half million dollars, and the city and county of San Francisco is now proposing to bond itself to the extent of five million (5,000,000) dollars more, so that if this constitutional amendment be adopted the State of California will be in a position to go before the congress at its session in December with a showing as follows:

Subscribed by the citizens of San Francisco	\$5,500,000
The State of California	5,000,000
The city and county of San Francisco by bond issue	5,000,000

\$16,500,000

making a total of sixteen million five hundred thousand dollars, which it is expected will be increased to seventeen million five hundred thousand (17,500,000) dollars by a further subscription of the citizens of San Francisco.

Of the five million dollars to be raised by the state, when this amendment shall be adopted, San Francisco will pay one fourth thereof, which is in addition to the contribution of its citizens, and of the five million dollars which is to be raised by bonding the said city, and by adding the cities immediately about the bay.

Panama Pacific International Exposition Company (a corporation organized under the laws of the State of California March 22, 1910) the proceeds of said bonds, the same to be used and disbursed by said exposition company for the purposes of an exposition to be held in the city and county of San Francisco to celebrate the completion of the Panama canal; said bonds, so issued, to be of such form and to be redeemable, registered and converted in such manner and amounts, and at such times not later than forty years from the date of their issue, as such legislative authority shall determine; the interest on said bonds to not exceed five per centum per annum, and said bonds to be exempt from all taxes for state and municipal purposes, and to be sold for not less than par at such times and places, and in such manner, as shall be determined by said legislative authority; the proceeds of said bonds, when sold, to be payable immediately by the treasurer of said city and county to the treasurer of said Panama Pacific International Exposition Company, upon the demand of said treasurer of said exposition company, without the necessity of the approval of such demand by other authority, the same to be used and disbursed by said Panama Pacific International Exposition Company for the purposes of such exposition, under the direction and control of such exposition company;

(b) Providing that any bonded indebtedness incurred for the purposes aforesaid shall be exclusive of the bonded indebtedness of the said city and county limited by section 9 of article XII of said charter.

(c) Granting to said Panama Pacific International Exposition Company the exclusive possession and use, together with the management and control, of that portion of Golden Gate Park in the city and county of San Francisco westerly from Twentieth avenue, as extended, for such exposition purposes, such possession and use, also management and control, to terminate not later than one year after the closing of such exposition;

(d) Granting to said Panama Pacific International Exposition Company the exclusive possession and use, together with the management and control, for such exposition purposes, of any lands held by the board of education of the city and county of San Francisco, and by the city and county of San Francisco not in actual use, such possession and use, also management and control, to terminate not later than one year after the closing of such exposition.

(e) Authorizing said Panama Pacific International Exposition Company to temporarily close streets in the city and county of San Francisco westerly from Twentieth avenue, for such exposition purposes, and to have the exclusive possession and use, together with the management and control, of said streets for such exposition purposes, such possession and use, also management and control of said streets, to terminate not later than one year after the closing of such exposition.

Proposals to amend the charter of the city and county of San Francisco in the foregoing particulars may be submitted by the legislative authority of said city and county to the electors of said city and county, at any general or special election (and a special election may be called therefor) held in said city and county, after the publication of such proposals in a newspaper of general circulation in said city and county, for such time as shall be determined by said legislative authority. Upon the ratification of any such proposed amendment by a majority of the electors of said city and county voting at such election on such proposed amendment, said proposed amendment receiving such majority vote shall become operative immediately as an amendment to said charter, without the necessity of approval thereof by the legislature.

Any act of the legislative authority of the city and county of San Francisco, in submitting to the electors of said city and county, at any general or special election, proposals to amend the charter of said city and county in the foregoing particulars, including any notice by publication or otherwise of such proposals, and of such election, and the holding of such election, in accordance with the provisions hereof, before the adoption of this amendment, are hereby validated in all respects as if performed subsequent to the adoption of this amendment. The disbursement of all funds obtained from said bonds shall be accounted for by said Panama Pacific International Exposition Company by an itemized statement thereof to be filed with the auditor of the city and county of San Francisco.

The Reasons Why Assembly Constitutional Amendment No. 33 Should Be Adopted.

The object of this amendment is purely local to the city and county of San Francisco.

The people of San Francisco desire to immediately amend the city charter to enable them to adopt a five million dollar bond issue for the purpose of holding an exposition in nineteen hundred and fifteen, for the celebration, on behalf of the State of California, of the completion of the Panama canal.

The citizens of San Francisco have subscribed, as individuals, the sum of six and one half million dollars, and it is expected that by the date of election, that sum will have been, by popular subscription, enlarged to seven and one half millions.

The citizens desire to adopt a bond issue, which now meets some legal interference, through a provision of the state constitution and a provision in the charter.

This amendment to the constitution is simply an "enabling act" to permit the people of San Francisco, for this time only, to amend their charter in this particular, and granting permission for the occupation, for exposition purposes, of the westerly portion of Golden Gate Park, if that site should be selected, which part is now little used by pedestrians and pleasure-seekers, without further consent of the legislature, so that the bond issue may be at once adopted, and without any objection in law as to its validity.

The voting of this amendment will place San Francisco, from its own resources alone, in position to combat the claims of New Orleans and the State of Louisiana, with twelve million five hundred thousand dollars, and will, itself, go far to insure to California and the Pacific coast the holding of this exposition, which means more to the whole state than any event in our generation. The completion of the Panama canal brings the markets of the world to the shores of California.

This is the opportunity of our people to grasp manifest destiny. If the people of San Francisco desire to bond themselves, I, as a resident of southern California, can see no reason why the rest of the state should offer any objection, but the consent of a majority of the people is necessary to enable them under the law to do this, and the vote to permit them ought to be unanimous.

PHILIP A. STANTON,

Speaker of the Assembly,

Committee appointed under the law to write the argument in favor of the adoption of Assembly Constitutional Amendment No. 33.

of the Political Code of the State of California. Between the first and tenth day of May, in the year nineteen hundred and fifty-or and between the first and tenth day of May of each year thereafter until the maturity of said bonds, the said treasurer shall, in the presence of the governor, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund at that time, and shall thereupon and before the tenth day of June following, give notice by public advertisement to be inserted twice a week for two weeks in two newspapers published in the city and county of San Francisco, and also in one newspaper published in the city of Oakland, and also in one newspaper published in the city of Los Angeles, and also in one newspaper published in the city of Sacramento, stating the number of bonds so drawn and that the principal of said bonds will be paid on presentation to the treasurer on or before the second day of July, following, and the from and after such last named date, all interest upon bonds thus drawn shall cease, and it shall be the duty of the treasurer as soon as said bonds so drawn by lot are surrendered to him and paid to cancel the same, and the interest coupons thereon, and each year beginning with the year nineteen hundred and fifty-one, the said treasurer shall, in the manner aforesaid, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund, and proceed in the manner hereinabove stated. After the payment of all said bonds, the surplus balance remaining in said sinking fund, if any there be, shall forth with be paid into the San Francisco harbor improvement fund. The time of the respective drawings by lot, as aforesaid, and also the maturity of said state bonds, said treasurer shall sell the United States or other bonds then in said sinking fund, at governing market rates, after advertising the sale thereof in the manner hereinbefore provided for the sale of bonds hereby authorized to be issued, a shall use the proceeds for the payment of such bonds as may be drawn by lot, and at the maturity of said bonds outstanding shall pay and redeem said outstanding bonds out of said moneys in said fund in extinguishment of said bonds on controller's warrants duly drawn for that purpose.

Sec. 6. The state controller and the state treasurer shall keep a particular account and record of all their proceedings under this act, and they shall transmit to the governor an abstract of all their proceedings thereunder, with an annual report, to be by the governor laid before the legislature biennially; and all books and papers pertaining to the matter provided for in this act shall at all times open to the inspection of any party interested, or the governor, or attorney general, or a committee of either branch of the legislature or a joint committee of both, or any citizen of the state.

Sec. 7. It shall be the duty of the state treasurer to pay interest of said bonds, when the same falls due, out of the sinking fund provided for in this act, on controller's warrants duly drawn for that purpose.

Sec. 8. This act, if adopted by the people, shall take effect on thirty-first day of December, nineteen hundred and ten, as to all provisions except those relating to and necessary for its submission to the people, and for returning, canvassing, and proclaiming votes, and as to said excepted provisions this act shall take effect immediately.

Sec. 9. This act shall be submitted to the people of the State of California for their ratification at the next general election, to be held in the month of November, nineteen hundred and ten, and ballots at said election shall have printed thereon and at the bottom thereof, the words, "For the San Francisco Harbor Improvement Act of 1909," and in the same square under said words the following breviter type: "This act provides for the improvement of San Francisco harbor and for the payment of all costs thereof out of the San Francisco Harbor Improvement Fund." In the square immediately below the square containing said words, there shall be printed said ballot the words: "Against the San Francisco Harbor Improvement Act of 1909," and immediately below said words "Against San Francisco Harbor Improvement Act of 1909," in breviter type shall be printed "This act provides for the improvement of San Francisco harbor and for the payment of all costs thereof out of the San Francisco Harbor Improvement Fund." Opposite the words "For San Francisco Harbor Improvement Act of 1909" and "Against San Francisco Harbor Improvement Act of 1909," there shall be spaces in which the voters may make or stamp a cross to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the San Francisco Harbor Improvement Act of 1909," and all those voting against the said act shall do so by placing a cross opposite the words "Against the San Francisco Harbor Improvement Act of 1909." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

Sec. 10. The votes cast for or against this act shall be counted and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and it shall appear that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the act shall have effect as hereinbefore provided, and shall be irrevocable until the principal and interest of the liabilities herein created be paid and discharged, and the governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

Sec. 11. It shall be the duty of the secretary of state to have act published in at least one newspaper in each county, or city or county, if one be published therein, throughout this state, for months next preceding the general election to be held in the month of November, nineteen hundred and ten, the costs of publication be paid out of the San Francisco harbor improvement fund, on controller's warrants duly drawn for that purpose.

Sec. 12. This act may be known and cited as the "San Francisco Harbor Improvement Act of 1909."

Sec. 13. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

ASSEMBLY BILL NO. 990.

CHAPTER 383.

An act authorizing the construction, acquisition, maintenance, control of a system of state highways in the State of California, specifying the work, fixing the payments to be made by the state for moneys expended therein; providing for the issuance and sale of state bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of bonds; and providing for the submission of this act to the people.

[Approved March 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A system of state highways in and for the State of California shall be constructed and acquired as and in the manner provided by law by the department of engineering of said state at a cost not to exceed eighteen million dollars. For the purpose of providing for the payment of the cost of the construction or acquisition of said system of said highways, the State of California is hereby authorized to incur an indebtedness in the manner provided by this act in the sum of eighteen million dollars.

Immediately after the issuance of the proclamation of the emergency provided in section 11 of this act, the treasurer